

KAKP410001192026



**IN THE COURT OF THE II ADDL. CIVIL JUDGE & JMFC,
GANGAVATHI, AT: GANGAVATHI**

Present: **Sri. Roshni Patil,**
B.A.,LL.B.
II Addl. Civil Judge & JMFC,
Gangavathi.

Dated this the 14th day of July 2026

Crl.Misc.No.85 of 2026

Petitioners:

1. Parashuramappa S/o Hanumappa,
Age: 56 years, Occ: Labour,
R/o Ward No.04, Navali Taanda,
Tq: Kanakagiri, Dist: Koppal.
2. Rami Bai W/o Babu Naik,
Age: 66 years, Occ: Household,
R/o Sevalal Street, Kenchanagudda,
Dist: Bellary.
3. Tukaram S/o Hanumappa,
Age: 50 years, Occ: Labour,
R/o Ward No.04, Navali Taanda,
Tq: Kanakagiri, Dist: Koppal.
4. Devappa S/o Hanamappa,
Age: 40 years, Occ: Labour,
R/o Ward No.04, Navali Taanda,
Tq: Kanakagiri, Dist: Koppal.
5. Lakshmamma W/o Gangadara Naik,

Age: 47 years, Occ: Household,
R/o Sevalal Street, Kenchanagudda,
Dist: Bellary. .

6. Krishnappa S/o Hanumappa,
Age: 35 years, Occ: Labour,
R/o Navali Taanda, Tq: Kanakagiri,
Dist: Koppal.
7. Chandavva W/o Ramappa,
Age: 60 years, Occ: Household,
R/o Kalmalli Thanda,
Tq: Kushtagi, Dist: Koppal.

(By Sri. R.B.K., Adv.,)

//Vs//

Respondent:

1. The Tahasildhar Kanakagiri and
Registrar of Death and Birth,
Tq: Kanakagiri, Dist: Koppal.

(absent)

ORDER

The petitioners have filed this petition Under Section 13(3) of the Birth and Death Registration Act, R/w Rule - 9(3) of Registration of Birth and Death Rules, seeking direction to the respondents to register the death date of deceased **Mangamma W/o Hanumappa as 20-07-2020.**

2) The brief facts of the petitioners' case are as under;

a) The deceased Mangamma W/o Hanumappa is the mother of the petitioners who is died on 20-07-2020 at

Navali Taanda, Tq: Kanakagiri, Dist: Koppal. After his death the petitioners family member under impression that they have intimated the date of death to the concerned authorities, but unfortunately they came to know that the concerned authorities have not registered the date of death of mother of petitioner No.1 to 7 are being the sons and daughters, the petitioners were under the impression that the same is registered in Death Register of respondent. When the petitioners requested the respondent for issue of death certificate of their mother at that time the respondent authority searched the concerned death register and intimated to the petitioner No.1 to 7's that their mother's date of death not entered in the concerned death register and to that effect the respondents issued non availability certificate stating that the death of Mangamma is not registered thereby the petitioners came to know that the death of Mangamma not registered in the concerned records. Therefore, the petitioners have no any alternative than to file this petition, hence, she constrained to file this petition against respondents.

3) In response to the court notice, the respondents remained absent and hence placed ex-parte.

4) In order to prove the case, the petitioner No.6 has examined as Pw.1 and got 04 documents marked as Ex.P.1 to Ex.P.4 and closed his side.

5) I have heard arguments of counsel for

petitioners and perused the records placed before this court.

- 6) The points arise for consideration are as under;

P O I N T S

- 1) Whether the petitioners have made out sufficient grounds to allow the petition as prayed?
 - 2) What order?
- 7) My answers to the above points are as follows;

Point No.1 : In the Affirmative.

Point No.2 : As per final order for the following;

R E A S O N S

8) **Point No.1:** The learned counsel for the petitioners during argument, reiterated the contents of petition and relied on documents and prayed to allow the petition.

9) Having heard so, to prove case, the petitioner No.6 has examined himself as Pw-1 and produced 4 documents. He has reiterated the contents of the petition in his affidavit. Pw.1 has produced Non-availability certificate and Genealogy certificate issued Ex.P.1, Ex.P.2, Ex.P.3 and Ex.P.4 are the paper publications in which the petitioners have got published the public notice in Kannada News Papers "Suddimoola" and "Samarthavani" that Mangamma W/o Hanumappa as 20-07-2020 at Navali Taanda, Tq:

Kanakagiri, Dist: Koppal. Ex.P.3(a) and Ex.P.4(a) are the marked portions of the paper publications.

10) The evidence of Pw-1 and the documents produced by his go to show that, Mangamma W/o Hanumappa as 20-07-2020 and there is no death date of the deceased in the concerned records. Further, it is pleaded and deposed that except the petitioners, there are no other legal heirs of deceased. Despite of public notice as per EX.P.3(a) and Ex.P.4(a), to disprove the contents of said affidavit or petition, none have appeared nor respondent has filed his objections to the petition. Hence, there are no contrary evidence to disprove the evidence given by Pw.1. Accordingly, his testimony remained unchallenged.

11) If the respondent is ordered to register the death date of the deceased, he will not be put to any loss as order binds the parties only. However, the order of this court is not conclusive proof of death of deceased Mangamma W/o Hanumappa if it is disputed in any Civil or Criminal litigations and this order will not confer any succession right on any person. With these discussions, I am of opinion that, the petitioners have made out sufficient grounds to allow the petition and it deserves to be allowed. Accordingly, the Point No.1 is answered in the Affirmative.

12) **Point No.2:** For the reasons discussed in Point

No.1, this court proceed to pass the following;

ORDER

The Petition filed by the petitioners Under Section 13(3) of the Birth and Death Registration Act, 1969 R/w Rule 9(3) of Registration of Births and Deaths Rules, 1969 is hereby allowed.

Consequently, the concerned respondent is directed to enter the death date of mother of petitioner No.1 to 7 by name **Mangamma W/o Hanumappa as 20-07-2020 at Navali Taanda, Tq: Kanakagiri, Dist: Koppal** in the concerned register by receiving late fee if any, as per law within one month from approach of the petitioners.

No order as to costs.

(Dictated to the Stenographer directly on computer, typed by her, corrected and then pronounced by me in the Open Court on this the 14th day of July 2026).

(Smt.Roshni Patil)
II Addl. Civil Judge & JMFC.,
Gangavathi

Annexure

List of witnesses examined on behalf of the Petitioners:

P.W.1 : Krishnappa S/o Hanumappa

List of documents marked on behalf of the Petitioners:

Ex.P.1 : Non-availability certificate.

Ex.P.2 : Genealogy certificate.

Ex.P.3-4 : Paper publications in Kannada News papers.

Ex.P.3(a)& 4(a): Marked portions of news papers.

List of witnesses examined on behalf of the Respondent:

NIL

List of documents marked on behalf of the Respondent:

NIL

(Smt.Roshni Patil)
II Addl. Civil Judge & JMFC.,
Gangavathi.