

KAMD610001932026



**BEFORE THE I ADDL. CIVIL JUDGE AND JMFC., AT
PANDAVAPURA**

Present:- Smt. Poojashri H.S. LL.M.,
Prl. Civil Judge and JMFC, and
C/c I Addl. Civil Judge and JMFC,
Pandavapura.

Dated, this the 13th day of July 2026

Crl.Mis.No.23/2026

PETITIONERS:

1. Bettamma W/o Late
Chikkakalegowda, Aged about 79
years,
2. Kalegowda S/o Late
Chikkakalegowda, Aged about 60
years,
3. Surendra S/o Late
Chikkakalegowda, Aged about 56
years,
4. Ramakrishnegowda S/o Late
Chikkakalegowda, Aged about
79 years,

All are R/o Sunkathonnuru

Village, Melukote Hobli,
Pandavapura Taluk, Mandya
District.

(By Sri. K.K.C. - Adv)

V/s

RESPONDENT:

The Thahashildar, Pandavapura Taluk
and Town, Mandya District.

(Exparte)

**ORDER ON PETITION FILED U/S 13(3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT 1969.**

This petition is filed by petitioners in order to seeking direction to direct respondent to register the death of Chikkakalegowda @ Chikkaiah S/o Late Karigowda and issue death certificate as prayed for in the petition.

**2. Brief facts of the case of petitioners in the petition
are as follows:**

It is stated by the petitioners that, Chikkakalegowda @ Chikkaiah S/o Late Karigowda is husband of petitioner No.1 and father of petitioner No.2 to 4 herein and he died on 16.06.2021 at his house situated at Sunkathonnuru Village, Melukote Hobli, Pandavapura Taluk, Mandya District and after his death, his death intimation was given by petitioners to respondent authority

orally, but it was not entered in the concerned register maintained by the respondent authority. Further that, when they applied for death certificate before the respondent authority, however the respondent authority issued an endorsement stating that, the Register of deaths does not contain the entry of death of Chikkakalegowda @ Chikkaiah S/o Late Karigowda and issued non-availability certificate with that regard. It is further contended that, since petitioners are in need of death certificate, in order to get the khatha of property bearing Sy.No.11/1 standing in his name into their names, they had to file the present petition.

3. Notice issued to respondent was duly served, however respondent did not appear before the court. Hence, in the absence of respondent case was proceeded and it was posted for enquiry.

4. Petitioners in order to prove their case, have examined petitioner No.4 as PW.1 and got marked Ex.P.1 to Ex.P.8 documents.

5. Heard arguments, perused materials placed on record, the court proceeded to frame following points for consideration.

1. Whether the petitioners have made out grounds to allow the petition?

2. What Order?

6. This court proceed to answer above points for consideration as under;

Point No.1 :: In the Affirmative

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

REASONS

7. Point No.1:- It is the case of the petitioners that, Chikkakalegowda @ Chikkaiah S/o Late Karigowda is husband of petitioner No.1 and father of petitioner No.2 to 4 herein and he died on 16.06.2021 at his house situated at Sunkathonnuru Village, Melukote Hobli, Pandavapura Taluk, Mandya District and after his demise, the petitioners had orally intimated the same to the respondent authority, but it was not recorded. At present petitioners are in need of the death certificate of Chikkakalegowda @ Chikkaiah S/o Late Karigowda in order to get the transfer of khatha of property bearing Sy.No.11/1 into their names. When they had applied before the respondent authority to issue the death certificate, but the authority issued non-availability certificate. Hence, petitioners have to file the present petition.

8. Petitioners in order to prove their case, have examined petitioner No.4 as PW.1 and PW.1 has filed his affidavit in lieu of his examination-in-chief, wherein he has reiterated the averments of the petition. PW.1 has produced Ex.P.1 non availability certificate issued by the respondent. This shows that, the death of Chikkakalegowda @ Chikkaiah S/o Late Karigowda is not registered before the respondent authority. Further PW.1 has produced Ex.P.2 Genealogical tree wherein, it is shown that, Chikkakalegowda @ Chikkaiah S/o Late Karigowda has left petitioners as his survivors. PW.1 has produced Ex.P.3 to 6 notarized adhaar card copy of petitioner No.1 to 4. PW.1 has produced Ex.P.7 and Ex.P.8 Paper publications taken after filing of this petition, in order to call for objections from the public if any in order to issue the death certificate of deceased Chikkakalegowda @ Chikkaiah S/o Late Karigowda. In spite of taking paper publication, none of them have appeared in order to object the issuance of death certificate of Chikkakalegowda @ Chikkaiah S/o Late Karigowda. The documents produced show that, Chikkakalegowda @ Chikkaiah S/o Late Karigowda being husband of petitioner No.1 and father of petitioner No.2 to 4 is said to be died on 16.06.2021, as respondent in this case has not filed objection in spite of receiving the notice from the court and respondent has left the case of the petitioners unchallenged.

9. Further, Sec.13 of the Registration of Births and Death Act has empowered court to direct the authorities to register birth and death if the court is satisfied with the birth and death. Since respondent has not challenged the case of petitioners and since the deceased is husband of petitioner No.1 and father of petitioner No.2 to 4, it is also argued by petitioners that, because of lack of knowledge they could not register the death of deceased Chikkakalegowda @ Chikkaiah S/o Late Karigowda and hence they have filed the present petition. They are in need of death certificate in order to produce before the revenue authorities, the court does not find any doubt in the case of petitioners, as all the survivors of deceased have filed the petition seeking the order from the court. Hence, court is of the opinion that, petitioners have made out grounds to seek order from the court. **Hence, point No.1 is answered in Affirmative.**

10. Point No.2:- For the above said reasons, the following:

ORDER

The petition filed by the petitioners is hereby allowed.

Further respondent is directed to register the death of Chikkakalegowda @ Chikkaiah S/o Late Karigowda on 16.06.2021 at his residence in Sunkathonnuru Village, Melukote Hobli, Pandavapura Taluk, Mandya District in the register of death.

Further directed to issue death certificate after petitioners paying the prescribed fee.

(Dictated to the stenographer on online computer, typed by her, corrected by me and then pronounced in the open Court on this the 13.07.2026)

**(POOJASHRI.H.S.)
C/c I Addl.Civil Judge and JMFC,
Pandavapura.**

-: ANNEXURE:-

List of Witnesses examined in favour of petitioners :

PW.1 : Ramakrishnegowda

List of documents exhibited in favour of petitioners:

Ex.P.1 : Non-availability certificate
Ex.P.2 : Genealogical tree

Ex.P.3 to 6 : Notarized Copy of Adhar Card of petitioner No.1 to 4
Ex.P.7 & 8 : Two paper publications

List of Witnesses examined in favour of respondent:

- Nil -

List of documents exhibited in favour of respondent:

- Nil -

**(POOJASHRI.H.S.)
C/c I Addl.Civil Judge and JMFC,
Pandavapura.**

Order pronounced in the open court
(Vide separate order)

ORDER

The petition filed by the petitioners is
hereby allowed.

Further respondent is directed to register the death of Chikkakalegowda @ Chikkaiah S/o Late Karigowda on 16.06.2021 at his residence in Sunkathonnuru Village, Melukote Hobli, Pandavapura Taluk, Mandya District in the register of death.

Further directed to issue death certificate after petitioners paying the prescribed fee.

(POOJASHRI.H.S.)
C/c I ACJ and JMFC,
Pandavapura.