

KAMD610005622025



**IN THE COURT OF THE PRL CIVIL JUDGE AND JMFC., AT
PANDAVAPURA**

**Present:- Smt. Poojashri H.S. LL.M.,
Prl.Civil Judge and JMFC,
Pandavapura.**

Dated, this the 20th day of July-2026.

Crl.Mis.No.132/2025

PETITIONERS:

1. Kamalamma W/o late Siddaiah,
aged about 48 years,
r/at Giriyarahalli Village,
Chinakurali Hobli, Pandavapura
Taluk, Mandya District.
2. Rachappa S/o late Thibbaiah,
aged about 60 years,
r/at Basthipura Village, Belagola
post, Srirangapattana Taluk,
Mandya District.
3. Nagaiah S/o late Thibbaiah,
aged about 50 years,
r/at Basthipura Village, Belagola
post, Srirangapattana Taluk,
Mandya District.
4. Sakamma W/o Venkatesh.A.H,
aged about 48 years,

r/at # No.1833 Basaveshwarapuram,
Railway station road, Srirangapattana
Taluk.

K.R.S. Sagara Honganahalli,
Krishnarajasagara, Mandya District.

(By Sri.T.J.P., Adv)

V/s

RESPONDENT:

1. The Thashildar, Pandavapura Taluk.
2. Muniyamma W/o late Puttaiah,
aged about 65 years,
r/at Giriyarahalli Village, Chinakurali
Hobli, Pandavapura Taluk, Mandya
District.
3. Shanthamma W/o late Basavaiah,
aged about 70 years,
r/at Giriyarahalli Village, Chinakurali
Hobli, Pandavapura Taluk, Mandya
District.
4. Kariyaiah S/o late Thibbaiah,
aged about 55 years,
r/at Giriyarahalli Village, Chinakurali
Hobli, Pandavapura Taluk, 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 seeking direction directing respondent to register the death of Devamma W/o Chikkaiah @ Chikka and issue death certificate as prayed for in the petition.

2. Brief facts of the case as contended by the petitioners in the petition are as follows:-

It is contended by the petitioners that, Devamma W/o Chikkaiah @ Chikka is grandmother of petitioner No.1's husband and grandmother of petitioner No.2 to 4 and herein and she died on 04.05.1983 at her house situated at Giriyarahalli Village, Chinakurali Hobli, Pandavapura Taluk, Mandya District and after her death, her 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 Devamma W/o Chikkaiah @ Chikka and issued non-availability certificate with that regard on 24.03.2025. It is further contended that, since petitioners are in need of death certificate, in order to get the khata of the property standing in her 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.1 as PW.1 and he got marked Ex.P.1 to Ex.P.5 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, Devamma W/o Chikkaiah @ Chikka is grandmother of petitioner No.1's husband and grandmother of petitioner No.2 to 4 and herein and she died on 04.05.1983 at her house situated at Giryarahalli Village, Chinakurali Hobli, Pandavapura Taluk, Mandya District.

After her demise 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 Devamma W/o Chikkaiah @ Chikka in order to get the transfer of khata in to their names. When they had applied before the respondent authority to issue the death certificate, but the authority issued non-availability certificate. Hence, petitioners had to file the present petition.

8. Petitioners in order to prove their case, have examined petitioner No.1 as PW.1 and PW.1 has filed her affidavit in lieu of her examination-in-chief, wherein she has reiterated the averments of the petition. PW.1 has produced Ex.P.1 is the non availability certificate issued by the respondent. This shows that, the death of Devamma W/o Chikkaiah @ Chikka is not registered before the respondent authority. Further PW.1 has produced Ex.P.2 is the G-tree wherein, it is shown that, Devamma W/o Chikkaiah @ Chikka has left petitioners as her survivors. PW.1 has produced Ex.P.3 notarized adhaar card copy. PW.1 has produced Ex.P.4 and Ex.P.5 are the 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 Devamma W/o Chikkaiah @ Chikka. In spite of taking paper publication, none of them have appeared in order to object the issuance of death certificate of Devamma W/o Chikkaiah @ Chikka. The documents produced show that, Devamma W/o Chikkaiah @ Chikka being grandmother

of petitioner No.1's husband and grandmother of petitioner No.2 to 4 is said to be died on 04.05.1983, 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 grandmother of petitioner No.1's husband and grandmother 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 Devamma W/o Chikkaiah @ Chikka 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 Devamma W/o

Chikkaiah @ Chikka on 04.05.1983 at their residence in Giriyarahalli Village, Chinakurali Hobli, Pandavapura Taluk, Mandya District in the register of death and 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 20.07.2026)

**(Poojashri H.S.)
Prl.Civil Judge and JMFC,
Pandavapura.**

ANNEXURE

List of Witnesses examined in favour of petitioners :

PW.1 : Kamalamma

List of documents exhibited in favour of petitioners:

Ex.P.1 : Non-availability certificate

Ex.P.2 : G-tree

Ex.P.3 : Notarized Copy of Adhaar Card

Ex.P.4 and 5: Two paper publications

List of Witnesses examined in favour of respondents : Nil

List of documents exhibited in favour of respondents: Nil

**(Poojashri H.S.)
Prl.Civil Judge and JMFC,
Pandavapura.**