

KAMD610019332025



IN THE COURT OF THE PRL CIVIL JUDGE & JMFC.,
AT: PANDAVAPURA

Present : **Smt. PARVATHAMMA.B,**
B.A., L.L.M.,
Prl.Civil Judge & JMFC.,
Pandavapura.

Dated on this 2nd Day of April - 2026

CRIMINAL MISCELLANEOUS No.422/2025

Petitioners : 1. Siddappa S/o late Ningappa,
aged about 58 years,
r/at Baby Village, Chinakurali
Hobli, Pandvapura Taluk, Mandya District.

(Reptd.by Sri.M.J.M.,-Advocate)

-V/S-

Respondent : The Thashildar, Pandavapura Taluk.

(By exparte)

: O R D E R :

This petition filed by petitioner U/s 13(3) of Registration of Births and Deaths Act 1969 (For brevity "the Act") against the respondent to cause enter the date of death of father of the petitioner by name Ningappa S/o late Bennekalappa, who was alleged to be died on 10.06.2003 at Baby Village, Chinakurali

Hobli, Pandvapura Taluk, Mandya District the jurisdiction of this court. The petitioner had approached to the competent authority, for issuance of death certificate of father of the petitioner for the purpose of change of katha in their names for landed properties before competent authority. The petitioner has requested the respondent authority to furnish death certificate of deceased Ningappa S/o late Bennekalappa. At that time respondent authority has informed the petitioner that, there was no entry with regard to death of above said deceased person in register maintained by them. The respondent has issued non availability certificate in this regard. Hence, present petition.

2. Notice has been issued to the respondent, though same it is served to respondent, has not appeared before the court and contested the case. Therefore, respondent has been placed exparte. Further it is worth to note that, as per direction issued by Hon'ble High Court of Karnataka in decision reported in ILR 2013 Karnataka 4703 in case of Muniyamma V/s Devegowda, this court has directed the petitioners to take paper publication in two widely circulated daily news papers, calling upon any person who interested in subject matter to join as respondents to the petition. In view of direction of this court, the petitioners have taken paper publication in two daily news papers. In pursuance of paper publications none appeared before the court as respondent.

3. The petitioner has been examined as PW-1 by way of chief in examination affidavit U/sec.332 of BNSS and got marked Ex.P-1 to Ex.P-5.

4. Heard Sri.M.J.M., - Advocate for petitioner.

5. The point which arises for my consideration is:

1. Whether the petitioner is entitled for a direction to the respondent as prayed in the petition ?
2. What Order ?

6. My findings to the above said point is as under:

Point No. 1 : In the Affirmative.

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

: R E A S O N S :

7. **POINT No.1:-** The petitioner in order to establish the factum of death of father of the petitioner by name Ningappa S/o late Bennekalappa, the petitioner examined himself as P.W-1, filed examination in chief by way of an affidavit U/sec.332 of BNSS through their representative. In the affidavit the petitioner has reiterated the facts stated in the petition. Further petitioner has produced Non-availability certificate issued by the respondent at Ex.P-1. The Genealogy tree is produced at Ex.P-2. The Notarized Adhara card copy of petitioner is produced at Ex.P-3. The two paper publications are produced at Ex.P-4 and Ex.P-5. As per these paper publications it can be held that, the petitioner

has taken advertise public in large that, anybody interested in the matter may join as respondent to the petition.

8. As respondent remained absent, they placed exparte and in pursuance of paper publication none appeared before the court as respondent. Oral testimony of P.W-1 and documentary evidence remained unchallenged. Further, even on taking into consideration of oral evidence and documents produced by the petitioner there is no grounds to hold further enquiry.

9. Therefore, after considering the evidence placed by the petitioner, it appears that the father of the petitioner by name Ningappa S/o late Bennekalappa, who was alleged to be died on 10.06.2003 at Baby Village, Chinakurali Hobli, Pandvapura Taluk, Mandya District. As per Ex.P-4 and Ex.P-5 none appeared and not filed any objections to disbelieve the relief sought by petitioner. Hence, there is no any further burden, lies on the petitioner to prove their case. It is also pertinent to note that if, the relief is not granted to the petitioner, it will cause hardship and injustice. Under these facts and circumstances, the petitioner is entitled for the relief as sought in the petition. **Hence, this court answered point No.1 in the Affirmative.**

10. **POINT No.2:-** In view of discussions made while answering the point No.1, this court has proceed to pass the following.

: O R D E R :

The petition filed by the petitioner is hereby allowed.

The respondent is hereby directed to cause enter the date of death of father of the petitioner by name Ningappa S/o late Bennekalappa, who was alleged to be died on 10.06.2003 at Baby Village, Chinakurali Hobli, Pandvapura Taluk, Mandya District after collecting necessary fee and penalty as provided under the act.

The respondent is hereby directed to enter the purpose to obtain death certificate of Sri. Ningappa in the death certificate.

Further it is made clear that, the order passed by this court as mentioned above does not create any rights in respect of petitioner.

(Dictated to Stenographer on computer, typed by her and then corrected and pronounced by me in the court on this 2nd day of April - 2026)

(PARVATHAMMA.B.)
Prl.Civil Judge & JMFC.,
Pandavapura.

ANNEXURE**List of witness examined on behalf of petitioner:-**

PW-1 : Sri. Siddappa

List of exhibited documents marked on behalf of petitioner:-

Ex.P-1 : Non availability certificate.
Ex.P-2 : Genealogy tree
Ex.P-3 : Notarized Adhara Card copies
Ex.P-4 and 5 : Paper Publications

List of witness examined on behalf of respondents:-

-----NIL-----

List of Exhibited documents marked on behalf of respondents:-

-----NIL-----

(PARVATHAMMA.B)
Prl.Civil Judge & JMFC.,
Pandavapura.