

KAMD720015092025



ORDERS IN CRL. MISC No.137 / 2025

Presented on : 24.10.2025
Registered on : 24.10.2025
Decided on : 04.04.2026
Duration : 05months 11 days

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

Present: Sri.UMESHA M.P., B. A. L., LL, B.
PRL.CIVIL JUDGE & J.M.F.C.,
SRIRANGAPATNA

DATED: ON THIS THE 4th DAY OF APRIL - 2026

CRL. MISC. NO. 137 / 2025

- PETITIONERS** : 1. **SRI.DEVAIAH** S/o Late Ningaiah,
Aged about 85 years,
2. **SRI. CHAMAI AH** S/o Late Ningaiah,
Aged about 78 years,
1 and 2 are R/o Chikka Ankanahalli Village,
Kasaba Hobli, Srirangapatna Taluk,
Mandya District.
3. **SRI. YATTAIAH** S/o Late Ningaiah,
Aged about 72 years,
R/o No.264/A New No.K 74/4,
Togari beedi, K.R.Mohalla, Mysuru-570024.
4. **SMT. KAMALAMMA** D/o Late Ningaiah,
Aged about 61 years,
R/o Chikka Ankanahalli village,
Kasaba Hobli,
Srirangapatna Taluk. Mandya District.
(REPRESENTED BY SRI.MM, ADVOCATE)

-Versus-

RESPONDENT : **THE REGISTRAR OF BIRTHS AND DEATHS,**
THE REPRESENTED BY THE TAHASILDAR,
SRIRANGAPATNA TALUK, MANDYA DISTRICT,



(RESPONDENT PLACED EXPARTE)

ORDERS

This petition is filed by the petitioners U/Sec.13(3) Registration of Births and Deaths Act, prays this Court for directing the respondent to register the date of death of **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH** who died on 14.02.1993 at Chikka Ankanahalli Village, Kasaba Hobli, Srirangapatna Taluk, Mandya District.

2. The case of the petitioners' is as under:

The father of petitioners No.1 to 4 by name **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH** who died on 14.02.1993 at Chikka Ankanahalli Village, Kasaba Hobli, Srirangapatna Taluk, Mandya District and the said fact was informed by the petitioners to the concerned authorities of respondent. Now, the petitioners are in need of death certificate of **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH** for the purpose of Warsa and hence, they have given an application before the respondent. But on 24.09.2025, the respondent authorities have issued non-availability certificate stating that there is no entry of death of **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH** in the concerned register. Hence, without alternative, the petitioners have filed the present petition praying to issue direction to the respondent officials to register the date of death of **SRI. NINGAIAH @ GOTRA**



NINGAIAH S/O LATE NANJAIAH as prayed and issued death certificate accordingly.

3. After filing of the petition, notices were issued to the respondent. Thereafter, the counsel for the petitioners have taken substitute service by way paper publication in Kannada daily news paper. In spite of that, no one has appeared before this Court. Hence, on 28.02.2026 the respondent has been placed ex-parte and matter is posted for petitioners' evidence.

4. To prove the case of the petitioners and to substantiate their contention, the petitioner No.3 himself examined before the court as PW-1 and got marked ExP-1 to ExP-6 documents. On the other hand, the respondent did not chosen to lead any evidence on his behalf and no documents were marked on behalf of the respondent.

5. I have heard the arguments of both the parties. Perused the oral and documentary evidence on record.

6. The point that would arises for my consideration is as under;

1. Whether the petitioners No.1 to 4 proved that their father by name SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH, who died on 14.02.1993 at Chikka Ankanahalli Village, Kasaba Hobli, Srirangapatna Taluk, Mandya District and whether the petitioners have made out sufficient grounds to allow the petition?

7. I answer the above point in the Affirmative for the following:

**REASONS****POINT NO.1:**

8. It has been averred in the petition that, the father of petitioners by name **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH** who died on 14.02.1993 at Chikka Ankanahalli Village, Kasaba Hobli, Srirangapatna Taluk, Mandya District and the said fact was informed by the petitioners to the concerned authorities / respondent. Now, the petitioners are in need of death certificate of **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH** for the purpose of warsa and hence, they have given an application before the respondent. But on 24.09.2025, the respondent authorities has issued non-availability certificate stating that there is no entry of death of **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH** in the concerned register.

9. To prove the case of the petitioners and to substantiate their contention, the petitioner No.3 himself examined as PW-1 and in his evidence, he reiterated the facts stated in the petition and got marked ExP-1 to 6 documents. The ExP-1 is the non-availability certificate dated:24.09.2025, ExP-2 is the notarized copy of Genealogical tree of the family of the petitioners, Ex.P3 is the notarized copy of the Aadhar card of petitioner No.3, Ex.P4 to 6 are the notarized copies of the Aadhar cards of petitioners No.1, 2 and 4. On perusal of ExP-1 and evidence, I am satisfied that date of death of **SRI. NINGAIAH @ GOTRA NINGAIAH S/O**



LATE NANJAIAH is not entered in the Births and Deaths register of the office of the respondent and further they have also produced paper publications taken in **“HOSADIGANTHA AND HOLD MYSURU” daily Kannada newspapers**. It can be noticed that the petitioners have complied the dictum as laid down by **Hon’ble High Court of Karnataka in Writ Petition No.50330 to 50334 of 2012(GM-RES) decided on 26.06.2013 in between Muniayamma -V/S- Venkategowda** wherein, it has been held that paper publication in two news papers is must to obtain the death certificate.

10. The oral evidence of the PW-1 corroborate with the document produced by the petitioners. The petitioners have produced the ExP-2 genealogical tree of their family to show that the petitioners are the legal heirs of **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH**, ExP-2 which is the G-tree of the family of the petitioners wherein after close perusal of the same, it goes to show that **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH** is the father of the petitioners and hence on close perusal of the said ExP-2 genealogical tree, it can be noticed that the PW-1 is the legal representative of deceased **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH**.

11. The averments made in the petition and the evidence of PW-1 is corroborate with the document produced by the petitioners. ExP-1 is non-



availability certificate would indicate that the date of death of **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH** was not registered in the register maintained by the respondent. Further, as per Exp-2 it goes to show that **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH** is the father of the petitioners and hence by virtue of the above said document marked at Exp-2 is the G-tree of the family of the petitioners, it goes to show that the petitioners are the legal heirs of **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH** and hence, there are sufficient grounds to allow the petition. Mere entering the fact of death or birth of any person does not create any right and also does not lose any right in respect of any property. If the date of birth and death of any person is not registered for any reasons, it can't be denied in getting registration of the same. Therefore, I answer the point for consideration in the Affirmative and proceed to pass the following:

ORDER

The petition filed by the petitioners under the provisions of section 13(3) of Registration of Births and Deaths Act, is hereby allowed.

The respondent is hereby directed to enter the date of death of **SRI. NINGAIAH @ GOTRA NINGAIAH S/O LATE NANJAIAH**, who died on 14.02.1993 at Chikka Ankanahalli Village, Kasaba Hobli, Srirangapatna Taluk, Mandya



District, in the concerned register, after receipt of
requisite late fee from the petitioners.

(Directly dictated to the Stenographer directly on Computer and typed by him, corrected and then pronounced by me in
open court on this the 4th day of APRIL – 2026)

(UMESHA M.P)
Prl. Civil Judge & JMFC.,
Srirangapatna

ANNEXURE TO THE ORDER

List of witness examined on behalf of petitioners:

PW-1 :SRI. YATTAIAH S/O LATE NINGAIAH @ GOTRA NINGAIAH,

List of examined on behalf of respondent:

-NIL-

List of documents marked on behalf of petitioners:

Exp-1 : Non-availability Certificate dated:24.09.2025,

Exp-2 : G-tree of the family of the petitioner,

Exp-3 : Notarized copy of the Aadhaar card of petitioner No.3

Exp-4 to 6: Notarized copies of the Aadhaar cards of petitioners No.1, 2
& 4.

List of witnesses & documents on behalf of respondent:

-NIL-

(UMESHA M.P)
Prl. Civil Judge & JMFC
Srirangapatna