

KAMD730011592023



Presented on : 21.09.2023
Registered on : 04.10.2023
Decided on : 24.03.2026
Duration : 02 years 06 months 03 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
C/c ADDL.CIVIL JUDGE & J.M.F.C.,
SRIRANGAPATNA

DATED: ON THIS THE 24th DAY OF MARCH - 2026

CRL. MISC. NO. 117 / 2023

- PETITIONERS** :
1. **SRI.CHIKKEGOWDA**
S/o Nanjegowda,
Aged about 70 years,
 2. **SRI.NANJUNDEGOWDA**
S/o Nanjegowda,
Aged about 68 years,
 3. **SRI.SHIVANNA** S/o Nanjegowda,
Aged about 66 years,
 4. **SRI.VISHAKANTEGOWDA,**
S/o Nanjegowda,
Aged about 65 years,
 5. **SMT. SANNAMMA,**
W/o Putta Nanjegowda,
Aged about 60 years,
 6. **SRI. SHIVALINGEGOWDA,**
S/o Putta Nanjegowda,
Aged about 46 years,
Petitioner No.1 to 6 are
R/o Hurali Kyathanahalli,
Kasaba Hobli,



Srirangapatna Taluk,
Mandya District.

7. **SRI. SURYAKUMAR,**
S/o Arasegowda(Given up)

8. **SRI. MUDDURAMU,**
S/o Puttananjegowda,

9. **SMT.RATHNAMMA**
D/o Puttananjegowda,

10. **SRI. PRAKASH** s/o puttananjegowda,
Petitioner No.8 to 10 are
R/o Hurali Kyathanahalli,
Kasaba Hobli,
Srirangapatna Taluk,
Mandya District.
(REPRESENTED BY SRI.N.S, 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 **SMT. KADAMMA W/O LATE. NANJEGOWDA** who died on 17.11.2000 at Hurulikyathanahalli Village, Srirangapatna Taluk, Mandya District.

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

The mother of the petitioner No.1 to 4, mother-in-law of petitioner No.5, grand mother of petitioners No. 6 and 7 by name **SMT. KADAMMA W/O LATE. NANJEGOWDA** who died on 17.11.2000 at Hurulikyathanahalli Village, 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 **SMT. KADAMMA W/O LATE. NANJEGOWDA** for the purpose of Warsa and hence, they have given an application before the respondent. But on 22.08.2023 the respondent authorities have issued non-availability certificate stating that there is no entry of death of **SMT. KADAMMA W/O LATE. NANJEGOWDA** 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 **SMT. KADAMMA W/O LATE. NANJEGOWDA** 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 08.02.2024 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.6 himself examined before the court as PW-1 and got marked ExP-1 to ExP-11 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 arise for my consideration is as under;

1. *Whether the petitioners No.1 to 10 proved that t SMT. KADAMMA W/O LATE. NANJEGOWDA, who died on 17.11.2000 at Hurulikyathananahalli Village, 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 grand mother of petitioner No.6 by name SMT. KADAMMA W/O LATE. NANJEGOWDA who died on 17.11.2000 at Hurulikyathanahalli Village, 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 SMT. KADAMMA W/O LATE. NANJEGOWDA for the purpose of warsa and hence, they have given an application before the respondent. But on 22.08.2023 the respondent authorities has issued non-availability certificate stating that there is no entry of death of SMT. KADAMMA W/O LATE. NANJEGOWDA in the concerned register.

9. To prove the case of the petitioners and to substantiate their contention, the petitioner No.6 himself examined as PW-1 and in his evidence, he reiterated the facts stated in the petition and got marked ExP-1 to 11 documents. The ExP-1 is the non-availability certificate dated: 22.08.2023, ExP-2 is the Hosa Digantha Kannada Daily news paper, ExP-2(a) is the paper publication, ExP-3



is the Old Mysuru Kannada Daily news paper, ExP-3(a) is the paper publication, ExP-4 is the notarized copy of Genealogical tree of the family of the petitioners, Ex.P5 to 11 are the notarized copy of the Aadhar cards of petitioners . On perusal of ExP-1 and evidence, I am satisfied that date of death of **SMT. KADAMMA W/O LATE. NANJEGOWDA** 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 OLD 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-4 genealogical tree of their family to show that the petitioners are the legal heirs of **SMT. KADAMMA W/O LATE. NANJEGOWDA**, 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 **SMT. KADAMMA W/O LATE. NANJEGOWDA** is the mother of petitioner No.1 to 4, mother in law of the petitioner No.5 and grand father of petitioner no.6 and 8 to 10, and hence on close perusal of the said ExP-4 genealogical tree, it can be noticed that the PW-1 is the legal representative of deceased **SMT. KADAMMA W/O LATE. NANJEGOWDA**



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 **SMT. KADAMMA W/O LATE. NANJEGOWDA** was not registered in the register maintained by the respondent. Further, as per ExP-2 it goes to show that **SMT. KADAMMA W/O LATE. NANJEGOWDA** is the mother of the petitioner No.1 to 4, mother -in-law of the petitioner No.5 and grand mother of the petitioner No. 6 and 8 to 10 and hence by virtue of the above said document marked at ExP-4 is the G-tree of the family of the petitioners, it goes to show that the petitioners are the legal heirs of **SMT. KADAMMA W/O LATE. NANJEGOWDA** 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 **SMT. KADAMMA W/O LATE. NANJEGOWDA**, who died on 17.11.2000 at Hurulikyathananahalli Village, 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 24th day of MARCH – 2026)

(UMESHA M.P)
C/c Addl. Civil Judge & JMFC
Srirangapatna

ANNEXURE TO THE ORDER

List of witness examined on behalf of petitioners:

PW-1 :SRI. Shivalingegowda S/o Puttananjegowda

List of examined on behalf of respondent:

-NIL-

List of documents marked on behalf of petitioners:

ExP-1 : Non-availability Certificate dated: 22.08.2023

ExP-2 : Hosa Digantha Kannada Daily news paper,

Ex.P-2(a) : Particular part of the Paper publication,

Ex.P-3 : Old Mysuru Kannada Daily news paper,

Ex.P-3(a) : Particular part of the Paper publication,

ExP-4 : G-tree of the family of the petitioner,

ExP-5 to 11 : Notarized copy of the Aadhaar card of petitioners

List of witnesses & documents on behalf of respondent:

-NIL-

(UMESHA M.P)
C/c Addl. Civil Judge & JMFC
Srirangapatna

