

KAMS210003172026



IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC.,
AT H.D.KOTE

Present : **SRI.SANTHOSHA KOTARI**, B.A.L, L.L.B.,
Prl.Civil Judge & JMFC.,
C/c I Addl. Civil Judge & JMFC.,

Dated : **This the 24th Day of March 2026**

Crl.Mis.No.108/2026

PETITIONER : Smt.Neelamma
D/o.Late.Mallaiah
Aged about 51 years
R/at Manuganahalli Village,
Saraguru Hobli,
Saraguru Taluk,
Mysuru District.
(By Sri.Prathap.C.S, Advocate)

RESPONDENT : The Tahashildar
Birth and Death Division
H.D.Kote Taluk,
Mysuru District.
(Ex-parte)

ORDER

The petitioner has filed this petition under Sec.13(3) of Registration of Births and Deaths Act 1969 seeking directions to respondent to enter the death particulars of deceased Sri.Chakramallaiah S/o.Late.Chikkamallaiah and issue a death certificate.

2. The summary of the case of the petitioner is as under:

The Grand Father of Petitioner by name Sri.Chakramallaiah S/o.Late.Chikkamallaiah was died on 20.10.1967 at Manuganahalli Village, Saraguru Hobli, Saraguru Taluk. Due to lack of knowledge the petitioner did not intimate the death of Sri.Chakramallaiah S/o.Late.Chikkamallaiah to the concerned authority. The petitioner has moved an application to the respondent for issuance of the death certificate of deceased Sri.Chakramallaiah S/o.Late.Chikkamallaiah. However, the respondent has issued a non availability certificate, informing that there is no entry found in the register of death and issued non-availability certificate. The petitioner requires the death certificate of deceased Sri.Chakramallaiah S/o.Late.Chikkamallaiah for the purpose of change of katha and also to avail government benefits. Hence, this petition.

3. The petitioner has caused a public notice in Prajanudi and Sanje Samachar a Kannada Daily news paper in its edition dated 25.02.2026 about the present proceedings. No person has appeared in response to said citation. The respondent remained absent even after the service of the notice. Hence the proceedings continued treating the respondent as exparte.

4. The petitioner adduced her evidence as PW-1 and produced as many as documents and they are marked as Ex.P1 to Ex.P7.

5. I have heard the arguments addressed by learned advocate for the petitioner. I have gone through the materials available on record. The following points arise for my consideration.

POINTS

- 1) Whether the petitioner has made out a case for allowing the petition?
- 2) What order?

6. My findings to the above points is as under:

- Point No.1: **In the Affirmative**
Point No.2: As per final order for the following:

REASONS

7. **Point No.1:-** In order to prove the case, petitioner examined herself as PW-1 and filed affidavit in lieu of her examination in chief and reiterated the petition averments, hence repetition is not necessary. Further, in support of her oral evidence, she has produced as many as 7 documents and they are marked as Ex.P1 to Ex.P7. Ex.P1 is non availability certificate. Ex.P2 and 3 are the reports of Village Accountant, Revenue Inspector and certified copy of Mahazar. On perusal of the same, it discloses that the date of death of deceased Sri.Chakramallaiah S/o.Late.Chikkamallaiah is not registered in the register maintained by the respondent. Further, Ex.P4 is Genealogical tree of the petitioner, which discloses the relationship of the petitioner with the deceased Sri.Chakramallaiah S/o.Late.Chikkamallaiah. Ex.P5 and

Ex.P6 are Prajanudi and Sanje Samachar a Kannada daily news paper, Ex.P5(a) and Ex.P6(a) are concerned paper publication. Ex.P7 is Notarized Copy of Aadhar Card of Petitioner. It is pertinent to note that inspite of service of notice, the respondent for the reasons best known to him, has remained absent and not made any attempt to file objection or deny the document produced by the petitioner. As such the evidence of the petitioner remained unchallenged and uncontroverted. Therefore, there is no reason to disbelieve the evidence given by petitioner.

8. It is also a trite that in a proceeding under Sec.13(1) (3) of Registration of Births and Deaths Act, Court is concerned with the factum of birth or death and date of birth or death is not relevant. This proposition finds support from the ratio laid down by Hon'ble High Court of Karnataka in the matter of **State of Karnataka V/s. Smt. Annakka reported in 2000(4) KCCR 2674**, which reads thus:

“REGISTRATION OF BIRTHS AND DEATHS ACT 1969- Sec.13(3)- Direction to make an entry in the Birth Registration by the Magistrate-Challenged on the ground, that except the statement of applicant on oath there was no other material.

Held: Magistrate in a proceeding under Sec. 13(3) only ascertains the birth of the child and date is not the material consideration, as such directions bind only the Registration Office under the Act to make an entry and does not carry higher probative value”.

9. Reverting to the factual matrix of the petitioner case, petitioner has stated in her petition as well as the PW-1 in her examination in chief that Grand Father of Petitioner was demised on 20.10.1967 at Manuganahalli Village, Saraguru Hobli, Saraguru Taluk. Therefore, in the light of the principles emerged from the decision referred to above, petition is required to be allowed. Hence, I answer the **Point No.1 in the Affirmative.**

10. **Point No.2:-** For the foregoing reasons, I pass the following:-

ORDER

Petition filed by the petitioners under Sec. 13(3) of Registration of Births and Deaths Act 1969 is hereby allowed.

Respondent is directed to enter the death particulars of "Sri.Chakramallaiah S/o.Late. Chikkamallaiah, demised on 20.10.1967" in the concerned records and issue a death certificate accordingly, to the petitioners after collecting necessary fee.

The parties to bear their respective costs.

(Direct dictation given to the Stenographer, transcript and computerized by her, revised, corrected and then pronounced by me in the open Court, on this the **24th day of March 2026**)

(SANTHOSHA KOTARI)
C/c I Addl. Civil Judge & JMFC.,
H.D.Kote.

A N N E X U R E**The witnesses examined for the Petitioners:**

PW-1 : Smt.Neelamma

The documents exhibited for the Petitioners:

Ex.P1 : Non-availability certificate

Ex.P2 and Ex.P3 : Reports of Village Accountant, Revenue Inspector and certified copy of Mahazar

Ex.P4 : Genealogical tree of the petitioner

Ex.P5 and Ex.P6: Prajanudi and Sanje Samachar
Kannada daily news Paper

Ex.P5(a) and Ex.P6(a): Concerned paper publication

Ex.P7 : Notarized Copy of Aadhar Card of
the Petitioner

**The witnesses examined and documents Exhibited for
the respondent:**

NIL

(SANTHOSHA KOTARI)
C/c I Addl. Civil Judge & JMFC.,
H.D.Kote.