

KAMS310004992026



IN THE COURT OF THE I ADDL. CIVIL JUDGE. & JMFC.,

AT HUNSUR

PRESENT

Smt. Namrata S Hosmath., B.A., LL.B.,
I Addl. Civil Judge & JMFC.,
Hunsur.

Dated, this the 16th day of May, 2026

CRL.MISC.NO.135/2026

- Petitioners : 1. Sri. Kalanayaka
S/o Late. Yathanayaka,
Aged about 71 years.
2. Smt. Sannathayamma
D/o Late. Yathanayaka,
W/o Erannachikkalaga
Aged about 70 years,
R/at Door No.203,
Ramanahalli Village,
Sagrakatte Post,
Yelawala Hobli,
Mysuru Taluk & District.
3. Smt. Javamma
W/o Late. Yethanayaka,
Aged about 83 years.
- Petitioner No.1 & 3 are
R/at Nayaka Beedi, Bilikere
Hunsur Taluk,
Mysuru District.

(By Sri. M.E.M., Advocate)

V/s

Respondent : The Registrar of Birth and Death,
& Thahasildar, Hunsur Taluk,
Mysuru District.

(Exparte)

**ORDERS ON PETITION U/SEC.13(3) OF REGISTRATION
OF BIRTHS AND DEATHS ACT, 1969**

The petitioners have filed the above petition and sought for a direction to the respondent to issue death certificate of **Sri. Yathanayaka S/o Late. Doddakalanayaka.**

2. **The brief facts of the petitioners' case is that,**

Sri. Yathanayaka S/o Late. Doddakalanayaka is father of petitioner No.1 and 2, husband of petitioner No.3. The said **Sri. Yathanayaka S/o Late. Doddakalanayaka** died on **13.04.1980** at Bilikere Village, Bilikere Hobli, Hunsur Taluk, Mysuru District. The petitioners and their elders were illiterate and innocent and had no knowledge about the registration of date of death of Sri. Yathanayaka S/o Late. Doddakalanayaka before the respondent. Later, the petitioners approached the respondent for death certificate of Sri. Yathanayaka S/o Late. Doddakalanayaka, the respondent has issuing non-availability certificate on 05.02.2026. The

death certificate of Sri. Yathanayaka S/o Late. Doddakalanayaka is required for the purposes of produce the same before the competent authority to obtain the Government benefits and also change the khata for revenue documents.

3. Despite service of notice of the petition to the respondent and also publication of notice of the petition through paper, none have appeared before the Court and filed objection.

4. In order to prove the averments of the petition, the petitioner No.1 filed an affidavit as P.W.1 and relied upon 4 documents as per Ex.P.1 to Ex.P.4 and closed the evidence.

5. Heard. Perused the material on record.

6. The points that arise for my consideration are:

1. Whether the petitioners are entitled for the relief claimed?
2. What Order?

7. My findings on the above Points are:

Point No.1: In the Affirmative,

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

REASONS

8. **POINT NO.1:** In order to substantiate the averments of the petition, the petitioner No.1 has filed an affidavit in lieu of chief-examination by reiterating the averments of the petition and examined himself as P.W.1 and also relied upon 4 documents as per Ex.P.1 to Ex.P-4. Ex.P-1 is the non-availability certificate, Ex.P-2 is the G-tree, Ex.P-3 is the copy of Aadhar card of petitioner No.1 and Ex.P-4 is the news paper publication, Ex.P-4(a) is concerned portion.

9. Despite service of notice to respondent and through paper publication to general public, nobody has resisted the claim of the petitioners. On the other hand, the averments of the affidavit of P.W.1 remained unchallenged and non-availability certificate further corroborates the contention of the petitioners. Accordingly, the **Point No.1** is answered in the **Affirmative**.

10. **POINT NO.2:** For the aforesaid findings, I proceed to pass the following:

ORDER

The petition filed by the petitioners U/s 13(3) of The Registration of Births and Deaths Act, 1969 is hereby allowed.

The Respondent is hereby directed to register the date of death of **Sri. Yathanayaka S/o Late. Doddakalanayaka**, who died on **13.04.1980** at Bilikere Village, Bilikere Hobli, Hunsur Taluk, Mysuru District and to issue death certificate to the petitioners accordingly by collecting late fees.

(Dictated to the Stenographer on Computer, typed by her on Computer, revised, corrected and then pronounced by me in the open Court on this day, the 16th day of May 2026)

(Namrata S Hosmath)
I Addl. Civil Judge & J.M.F.C.
Hunsur.

ANNEXURE**List of witnesses examined by the Petitioners :**

P.W.1 : Sri. Kalanayaka
S/o Late. Yathanayaka

List of witnesses examined by the Respondent :

N I L

List of documents marked by the Petitioners :

Ex.P1 : Non-availability Certificate
Ex.P2 : Genealogical tree

- Ex.P3 : Copy of Aadhar card of
petitioner No.1
- Ex.P4 : News Paper Publication
- Ex.P4(a) : Concerned portion

List of documents marked by the Respondent :

N I L

**(Namrata S Hosmath)
I Addl. Civil Judge & J.M.F.C.
Hunsur.**