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**IN THE COURT OF THE HONOURABLE I ADDITIONAL CIVIL
JUDGE & JMFC, AT KRISHNARAJANAGAR.**

PRESENT: SMT. ASRINA.,B.A, LLB.
I ADDL., CIVIL JUDGE AND JMFC, KRISHNARAJANAGAR.

DATED THIS 09TH DAY OF MARCH, 2026
CRL.MISC.NO.442/2025

BETWEEN

| | |
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| PETITIONERS | 1. Sri.Narasegowda S/o Late Sannagowdaiah Aged: 75 Years, 2. Sri.Panduranga S/o Late Sannagowdaiah Aged: 73 years, Both are R/at Ankanahalli Village, Mirle Hobli, Saligrama Taluku, Mysuru District. (By Sri. B.M.G Advocate) |
| AND | |
| RESPONDENT | The Tahasildar, Saligrama. (Ex-parte) |

ORDER

The instant petition is filed by the petitioners under Section 13 (3) of the Registration of Births and Deaths Act, 1969, seeking

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to issue directions to the respondent to enter the date of death of Sri.Sannagowdaiah S/o Late Narasimhegowda as 22.09.1994 in the register of deaths maintained by the respondent and there by to issue the death certificate of Sri.Sannagowdaiah S/o Late Narasimhegowda to the petitioners.

2. The case of the petitioners in brief is that:

The petitioners are the children of the Late.Sannagowdaiah S/o Late Narasimhegowda. That the deceased Late.Sannagowdaiah S/o Late Narasimhegowda died on 22.09.1994 in the house of the petitioners situated at Anakanahalli Village, Mirle, Hobli, Saligrama Taluku. But due to oversight, inadvertence and lack of knowledge, the date of death of aforesaid Late.Sannagowdaiah S/o Late Narasimhegowda was not brought to the notice of the respondent within the statutory period of one year. As such, there is no entry of date of death of aforesaid Late.Sannagowdaiah S/o Late Narasimhegowda in the concerned register of Deaths.

3. That the petitioners got to know about the said fact when they approached the respondent to issue death certificate of Late.Sannagowdaiah S/o Late Narasimhegowda for the purpose of availing the government benefits. When the petitioners

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approached the respondent, he issued non availability certificate to the petitioners and directed them to approach the court of law. Therefore the petitioners were constrained to file this petition. That if the instant petition is not allowed, petitioners will be put to untold hardship and misery. Hence this petition seeking to issue necessary direction to the respondent as sought for in the petition.

4. The notice of this petition was issued to the respondents. Besides paper publication was ordered to be issued to the general public at large, calling upon the persons interested to appear before the court and to submit their objections to the petition if any. Despite issuance of notice, none appeared and none objected the petition claim.

5. In support of the petition claim, petitioner No.1 got examined himself as PW-1 and got marked totally 5 documents as Exhibit P-1 to Ex.P-5. Since none appeared as respondent and none challenged the petition averments and the testimony of PW-1, the same stood un rebutted.

6. Heard the counsel for petitioners. Perused the materials available on record.

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7. The points that arises for my consideration are as hereunder:

- 1] Whether the petitioners are entitled for the relief as sought for in the petition?
- 2] What order?

8. My findings to the above points are as hereunder:

Point No. 1: In the Affirmative.

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

REASONS

9. POINT NO.1: Petitioners have filed the present petition under Section 13 (3) of the Registration of Births and Deaths Act-1969, seeking to issue directions to the respondent to enter the date of death of Late.Sannagowdaiah S/o Late Narasimhegowda as 22.09.1994 in the Register of deaths maintained by the respondent and there by to issue the death certificate of Late.Sannagowdaiah S/o Late Narasimhegowda to the petitioners. It is the contention of the petitioners that they are the legal heirs of Late.Sannagowdaiah S/o Late Narasimhegowda. For the purpose of availing government benefits, the petitioners are in need of death certificate of Late.Sannagowdaiah S/o Late Narasimhegowda.

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10. In order to substantiate their claim, the petitioner No.1 got examined himself as PW-1 wherein the PW-1 has reiterated the petition averments by filing his affidavit in lieu of examination in chief. In support of his testimony the PW-1 has relied upon the documents marked at Ex.P-1 to Ex.P-5. Ex.P-1 is a non availability certificate issued by the respondent which depicts that the date of death of Late.Sannagowdaiah S/o Late Narasimhegowda is not entered in the register of deaths maintained by the respondent. Ex.P-2 is a family Genealogy submitted by the petitioners and the same proves the relationship of the petitioners with the Late.Sannagowdaiah S/o Late Narasimhegowda. Ex.P-3 is a notarized copy of Adhar card of the petitioner No.1 and same projects the name of deceased Late.Sannagowdaiah as father of petitioners. Ex.P-4 and Ex.P-5 are the paper publications published in Prajasathya and Prajanudi news papers published on 05.02.2026 which depicts that a general papers publication were made in kannada daily news papers calling upon the persons interested to appear before the court and to submit their objections to the petition if any. On a minute reading of the petition averments and affidavit filed by the petitioner No.1 in lieu of examination in chief it reveals that when the petitioners approached the respondent seeking the death certificate of Late.Sannagowdaiah S/o Late Narasimhegowda, the

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respondent has issued the Non availability certificate as per Ex.P-1. On a overall reading of the testimony of PW-1 and petition averments, it projects that the petitioners being the legal heirs of Late.Sannagowdaiah S/o Late Narasimhegowda, in order to avail the Government benefits, the petitioners have approached the respondent seeking for issuance of Death Certificate. That the testimony of PW-1 has stood unchallenged and unrebutted. Though the opportunity was provided to the respondents to put their say, they have neither appeared nor contested the case. Petitioners have successfully proved their case. In spite of providing opportunity, the petition averments as well as evidence placed on record was not challenged by the respondents and thereby the same stood unrebutted. In the above facts and circumstances and keeping in view the oral and documentary evidence that has been satisfactorily brought on record, I am of the considered opinion that the petition deserves to be allowed.

Accordingly point No.1 is answered in the Affirmative.

11. POINT NO.2: In view of my above discussions and findings on point No.1, I proceed to pass the following:

ORDER

The petition filed U/Sec.13 (3) of Registration of Births and Deaths Act 1969 is hereby allowed.

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The respondent is hereby directed to register the factum of death of Late.Sannagowdaiah S/o Late Narasimhegowda as 22.09.1994 in the Register of Deaths.

The respondent is further directed to issue Death certificate by collecting the necessary fee.

However it is hereby made it explicitly clear that all the observations made in this order is only based on the materials placed on record and all the observation made in this order are restricted only for the purpose of issuing the death certificate of the deceased to the applicants and not for any other purpose.

(Dictated to the typist directly on computer, typed by her, and the transcript revised and corrected by me and then pronounced in the open court on this **09th day of March - 2026**)

(SMT. ASRINA)
I ADDL.CIVIL JUDGE & JMFC
KRISHNARAJANAGARA

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**ANNEXTURE****List of witnesses examined on behalf of petitioners:**

PW1: Sri.Narasegowda S/o Late Sannagowdaiah

List of documents marked on behalf of the petitioners:

- Ex.P-1: Non-availability certificate
Ex.P-2: Family Genealogy
Ex.P-3: Notarized copy of Adhar card of the petitioner No.1.
Ex.P-4: Paper publication in Prajasathya daily newspaper.
Ex.P-5: Paper publication in Prajanudi daily newspaper.

List of witnesses examined and documents marked on behalf of the respondents

-NIL-

(SMT. ASRINA)
I ADDL.CIVIL JUDGE & JMFC
K.R.NAGARA