

KAMS510025202026



IN THE COURT OF I ADDL. CIVIL JUDGE AND JMFC.,
Nanjangud

Present: Smt.Saritha Kumari A M
B.A., LL.B.,

I Addl. Civil Judge & JMFC, Nanjangud

Dated this 25th day of July, 2026

CRL.MISC./1042/2026

1. Chikkamadashetty

Dead by Lr's

1(a). Mahadevamma,

W/o.Late. Chikkamadashetty,
Aged about 60 years,

1(b). Shivamahadeva,

S/o.Late.Chikkamadashetty,
Aged about 48 years,

2. Mahadevashetty,

S/o.Late.Karishetty,
Aged about 65 years,

3. Shivamma Dead by Lr's

3(a). Shivanna,

S/o.Marashetty,
Aged about 55 years,

3(b). Manju,
S/o.Marashetty,
Aged about 42 years,

All are R/at. Hemmaragala village,
Doddakowlande hobli,
Nanjangud Taluk

...Petitioners

(Rep by **Sri.N.S,** Adv.)

-/Versus/-

The Tahasildar,
Nanjangud Taluk, Nanjangud.

...Respondent

(Absent)

ORDER

The petitioners have filed this petition u/Sec. 13(3) of The Registration of Births and Deaths Act, 1969.

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

That, **grand-father of petitioner No.1(a) & 2 and great-grand-father of remaining petitioners** by name **Mollemada, S/o.Late.Madashetty** died on **10.04.1970** at **Hemmaragala village, Doddakowlande hobli, Nanjangud Taluk**. The petitioners and their family members did not

inform the date of death of **Mollemada** to respondent office due to ignorance of procedure and the said mistake is a bonafide, not an intentional one. The death certificate of **Mollemada** is required to produce the same before the concerned authority to get mutation entries. Hence, this petition is filed by the petitioners.

3. After registering the case, notice has been issued to the respondent. In spite of due service of notice, the respondent did not appear before the Court. The respondent was remained absent.

4. In order to prove their case, petitioners got examined **Petitioner No.2 as PW.1** and got marked Ex.P1 to Ex.P5.

5. Heard the learned counsel for petitioners.

6. The points that arise for my consideration are as follows:-

1. Whether the petitioners have made out a ground to direct the respondent to register the date of death of **Mollemada** in the concerned register?
2. What order?

7. My findings on the above Points are as under:

Point No.1 – In the Affirmative

Point No.2 – As per final order,

for the following:
Reasons

8. Point No.1: That, the **PW.1/petitioner No.2** deposed that, **grand-father of petitioner No.1(a) & 2 and great-grand-father of remaining petitioners** by name **Mollemada, S/o.Late.Madashetty** died on **10.04.1970** at **Hemmaragala village, Doddakowlande hobli, Nanjangud Taluk**. Due to the ignorance and oversight, the petitioners and their family members did not inform the death of **Mollemada** to respondent. Now the petitioners filed an application to respondent and pray for issue of death certificate of **Mollemada**, for which the respondent issued an endorsement stating that, there is no entry of death in the concerned register. The petitioners require the death certificate of **Mollemada** to get mutation entries in their name. The non availability Certificate issued by the respondent is marked as Ex.P1. Genealogical Tree pertaining to the family of the petitioners is marked as Ex.P2. Ex.P3 is the notarized copy of Aadhaar card of PW.1. The paper publication in-respect of institution of the petition published in **Raitha nadu and Times of Nanjangud Kannada Daily Newspapers** are marked as Ex.P4 & 5. On perusal of these documents, it is found that, deceased **Mollemada** is **grand-father of petitioner No.1(a) & 2 and great-grand-father of remaining petitioners** and they require the death certificate of said **Mollemada** to get mutation entries. Hence, there is sufficient grounds to allow the petition, moreso, in spite of

service of notice, the respondent not appeared before this court and the oral and documentary evidence of petitioners remained unchallenged and undisputed. After due publication of the petition citation/public notice in **Raitha nadu and Times of Nanjangud Kannada Daily Newspapers**, no one has come before the Court to protest the petition so as to dispute the relationship of the petitioners with the deceased, date of death of deceased etc., If the date of birth/death of any person was not registered in the concerned register of appropriate authority for any reasons, it cannot be denied in getting the registration of the same. Hence, I am of the opinion that, if the petition is allowed no injustice or hardship will be caused to the respondent or anybody. Accordingly, Point No.1 is answered in the '**Affirmative**'.

9. **Point No.2:** In view of the above said findings, this court proceeds to pass the following:

ORDER

The petition filed by the petitioners under the provisions of Sec.13(3) of The Registration of Births and Deaths Act, 1969 is hereby **allowed**.

Respondent is directed to register the date of death of **Mollemada, S/o.Late.Madashetty** as **10.04.1970** at **Hemmaragala village, Doddakowlande**

hobli, Nanjangud Taluk in the death register after receipt of prescribed fee from the petitioners.

No order as to costs.

(Dictated to the stenographer directly on the computer, typed by her, corrected and signed by me and then pronounced in the open court on this the 25th day of July, 2026)

(Saritha Kumari A M)
I Addl. Civil Judge & JMFC.,
Nanjangud

ANNEXURE

1. List of Witnesses examined by the petitioners:

PW.1 Mahadevashetty

2. List of documents marked by the petitioners:

Ex.P1 Non Availability Certificate

Ex.P2 Genealogical Tree

Ex.P3 Aadhaar card

Ex.P4 & 5 Paper publication

3. List of witnesses examined by the respondent:

-Nil-

4. List of documents marked by the respondent:

-Nil-

I Addl. Civil Judge and JMFC.,
Nanjanangud