

KAMS610000352026



**IN THE COURT OF THE PRL.CIVIL JUDGE AND JMFC.,
AT PERIYAPATNA.**

∴ P R E S E N T ∴

Sri.YOGESHA M.R.,_{BA.LLB.},
PRL.CIVIL JUDGE AND JMFC.,
PERIYAPATNA.

*Dated this the **16th day of MARCH, 2026.***

Crl.Misc.No.04/2026

PETITIONER/S : **1.** Nagaraju, 37 yrs,
S/o late Javarappa,

2. Annaiah, 50 yrs,
S/o late Javarappa,

The petitioners are
R/at Makodu Village,
Ravanduru Hobli,
Periyapatna Taluk,
Mysuru District.

(By Sri.MJS., Adv)

RESPONDENT : **V/S**
The Tahasildhar,
Periyapatna Taluk.
(Absent)

ORDER

This is the petition filed by the petitioners praying to issue direction to the respondent to enter the date of death of the grandfather of petitioners by name Eranna S/o late Helavegowda, who expired on 01.05.1995 at Makodu Village, Ravanduru Hobli, Periyapatna Taluk, Mysuru District., in the concerned register and to direct him to issue death certificate of grandfather of the petitioners, after collecting the fee.

2. Background facts in a nut-shell are as under;

It is the case of the petitioners that, the grandfather of petitioners by name Eranna S/o late Helavegowda who expired on 01.05.1995 at Makodu Village, Ravanduru Hobli, Periyapatna Taluk, Mysuru District. But, petitioners could not registered the same with the registrar of births and deaths in time. Now, the petitioners are in need of death certificate of Eranna S/o late Helavegowda for the purpose of change of Katha and other

purpose. Further, they contended that, they have filed the application before the respondent's office for issuance of death certificate of Eranna S/o late Helavegowda, but the respondent has issued the endorsement regarding that, there is no such entry of date of death of grandfather of petitioners by name Eranna S/o late Helavegowda who expired on 01.05.1995 at Makodu Village, Ravanduru Hobli, Periyapatna Taluk, Mysuru District, in the concerned register. Alleging the above facts the petitioners have filed this petition against the respondent.

3. The notice of petition was served to the respondent. But, the respondent remained absent. Further, the petitioners have taken paper publication with regard to filing of the present petition.

4. The petitioners in order to establish their case, petitioner No.1 examined himself as PW.1 and got marked 5 documents as per Ex.P1 to Ex.P5. Ex.P1 is the Non-Availability

Certificate. Ex.P2 is the News Paper. Ex.P3 is the Genealogical Tree. Ex.P4 and 5 are the Notarized copy of Aadhar Card of Petitioners. The PW.1 has filed examination-in-chief affidavit-in-lieu of his oral evidence.

5. Heard the arguments.

6. Upon hearing arguments and on perusal of materials placed on records, the following points arises for consideration;

:- P O I N T S :-

1. Whether the petitioners have made out sufficient grounds for allowing the petition ?

2. What order ?

7. This court answers the above points as hereunder;

POINT No.1 : In the **AFFIRMATIVE**

POINT No.2 : As per final order

for the following;

:- REASONS :-**POINT NO.1:-**

8. The PW.1 in his evidence has reiterated the averments made in the petition.

9. This court has gone through the evidence of PW.1, wherein he has clearly deposed that, the grandfather of the petitioners by name Eranna S/o late Helavegowda who expired on 01.05.1995 at Makodu Village, Ravanduru Hobli, Periyapatna Taluk, Mysuru District. Further, the endorsement issued by the respondent reveals that, the date of death of grandfather of petitioners by name Eranna S/o late Helavegowda is not entered in the concerned register. Since the respondent has not appeared before the Court, the petition averments made in the affidavit has remained unchallenged. Therefore, Court has no option except to accept the same and come to the conclusion that, the date of death of the grandfather of petitioners, who expired on 01.05.1995 at

Makodu Village, Ravanduru Hobli, Periyapatna Taluk, Mysuru District. There is no evidence to show that, non-intimation of the same to concerned authority is intentional one.

10. Under such circumstances, this Court is of the opinion that, if the respondent is directed to register the date of death of grandfather of petitioners, who expired on 01.05.1995 at Makodu Village, Ravanduru Hobli, Periyapatna Taluk, Mysuru District, in the concerned register, certainly it would meet the ends of justice. On the other hand, no hardship or loss will cause to the respondent. *Hence, this Court answered point No.1 in the Affirmative.*

POINT NO.2:-

11. For the foregoing reasons, this court proceed to pass the following;

ORDER

The petition filed by the petitioners is hereby allowed.

The respondent is hereby directed to enter the date of death of grandfather of petitioners by name Eranna S/o late Helavegowda(ಈರಣ್ಣ ಬಿನ್ ಲೇ.ಹೆಳವೇಗೌಡ), who expired on 01.05.1995 at Makodu Village, Ravanduru Hobli, Periyapatna Taluk, Mysuru District., in the concerned register of births and deaths and issue death certificate to the petitioners, after obtaining necessary fee in accordance with law.

(Dictated to the Stenographer on computer, revised and corrected by me, and then pronounced in the open Court on this the 16TH DAY OF MARCH, 2026)

(YOGESHA M.R)
PRL.CIVIL JUDGE AND JMFC.,
PERIYAPATNA.

-: ANNEXURES :-

WITNESSES EXAMINED FOR PETITIONER/S:

PW.1 : NAGARAJU

DOCUMENTS MARKED FOR PETITIONER/S:

Ex.P1 : Non-Availability Certificate

Ex.P2 : News Paper

Ex.P3 : Genealogical Tree

Ex.P4&5 : Notarized copy of Aadhar Card of Petitioners

WITNESSES EXAMINED FOR RESPONDENT/S: Nil

DOCUMENTS MARKED FOR RESPONDENT/S : Nil

(YOGESHA M.R)
PRL.CIVIL JUDGE AND JMFC.,
PERIYAPATNA.