

KAMS610002862026



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 **26th day of MARCH, 2026.***

Crl.Misc.No.91/2026

- PETITIONER/S** : **1.** Swamynayaka, 69 yrs,
S/o late Kullanayaka,
- 2.** S.K.Veerappa, 75 yrs,
S/o late Kullanayaka,

The petitioner No.1 & 2 are
R/at M.Shettahalli Village,
Ravanduru Hobli,
Periyapatna Taluk,
Mysuru District.

- 3.** Lakkamma, 77 yrs,
W/o Kuntanayaka,
D/o late Kullanayaka,
R/at Kalkere Village,

Ravanduru Hobli,
Periyapatna Taluk,
Mysuru District.

4. Jayamma, 71 yrs,
W/o Sannanayaka,
D/o late Kullanayaka,
R/at Hosakoppalu Village,
Ravanduru Hobli,
Periyapatna Taluk,
Mysuru District.

5. Gowramma, 73 yrs,
W/o Shivannanayaka,
D/o late Kullanayaka,
R/at Kundanahalli Village,
Kasaba Hobli,
Periyapatna Taluk,
Mysuru District.

(By Sri.CSM., Adv)

RESPONDENT : **V/S**
The Tahasildhar,
Taluk office,
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 mother of petitioners by name Narasamma W/o late Kullanayaka, who

expired on 16.08.1995 at M.Shettahalli Village, Ravanduru Hobli, Periyapatna Taluk, Mysuru District., in the concerned register and to direct him to issue death certificate of mother 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 mother of petitioners by name Narasamma W/o late Kullanayaka who expired on 16.08.1995 at M.Shettahalli 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 Narasamma W/o late Kullanayaka 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 Narasamma W/o late Kullanayaka, but the respondent has issued the endorsement regarding that, there is no such entry of date of death of mother of petitioners by name

Narasamma W/o late Kullanayaka who expired on 16.08.1995 at M.Shettahalli 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 8 documents as per Ex.P1 to Ex.P8. Ex.P1 is the Non-Availability Certificate. Ex.P2 is the News Paper. Ex.P3 is the Genealogical Tree. Ex.P4 to 8 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;

:- R E A S O N S :-

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 mother of the petitioners by name Narasamma W/o late Kullanayaka who expired on 16.08.1995 at M.Shettahalli Village, Ravanduru Hobli, Periyapatna Taluk, Mysuru District. Further, the endorsement issued by the respondent reveals that, the date of death of mother of petitioners by name Narasamma W/o late Kullanayaka 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 mother of petitioners, who expired on 16.08.1995 at M.Shettahalli 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 mother of petitioners, who expired on 16.08.1995 at M.Shettahalli 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 mother of petitioners by name Narasamma W/o late Kullanayaka(ನರಸಮ್ಮ ಕೋಂ ಲೀ.ಕುಳ್ಳನಾಯಕ), who expired on 16.08.1995 at M.Shettahalli 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 **26TH DAY OF MARCH, 2026**.)*

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

-: ANNEXURES :-

WITNESSES EXAMINED FOR PETITIONER/S:

PW.1 : SWAMYNAYAKA

DOCUMENTS MARKED FOR PETITIONER/S:

Ex.P1 : Non-Availability Certificate

Ex.P2 : News Paper

Ex.P3 : Genealogical Tree

Ex.P4 to 8 : 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.