

KAMS700001922026



**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC
AT T. NARASIPURA.**

PRESENT

SMT. PARVEEN A BANKAPUR

B.Com., L.L.B., (Spl).,

SENIOR CIVIL JUDGE AND J.M.F.C.,
T. NARASIPURA.

CRL. MISC. NO.51/2026.

DATED THIS 18th DAY OF JUNE, 2026.

PETITIONER

: Smt. Sharada
D/o Late Parashivamurthy N.C.
Age: 24 years,
R/at: Madapura village,
Hiriyuru Post,
Talakadu Hobali,
T. Narasipura taluk,
Mysuru District.

(By Sri. Basavaraju M, Advocate)

Vs.

RESPONDENT

: The Tahasildar,
Taluk Office,
T. Narasipura taluk.

(Exparte)

ORDER

The petitioner has filed the petition under Section 13(3) of Registration of Births and Deaths Act, 1969 seeking issuance of direction to the respondent to issue the death certificate of the mother of the petitioner namely Mahadevamma W/o Late Parashivamurthy.

2. In the petition, the petitioner has stated that the said Mahadevamma W/o Late Parashivamurthy died on 20.09.2011 at Madapura village, Talakadu Hobali, T. Narasipura taluk. She was under an impression that the death details of the said Mahadevamma W/o Late Parashivamurthy were informed to the respondent. But, she came to know that the said details were not informed to him when the latter issued the non-availability certificate. Accordingly, she has prayed to allow the petition.

3. The respondent has not appeared before the court though the notice is served upon him. Hence, he is placed *exparte*.

4. The petitioner examined herself as P.W.1 got 7 documents marked Exs.P.1 to 7 to prove her case. The cross examination of P.W.1 is taken as nil.

5. I have heard the arguments of learned counsel for the petitioner and perused the materials on record.

6. The points for consideration are as under:-

1. Whether the petitioner has made out sufficient grounds to allow the petition?

2. What Order?

7. The answers to points above are:-

Point No.1 : In the Affirmative.

Point No.2 : As per final order.

REASONS

8. POINT NO.1:- P.W.1 has deposed as averred in the petition. Ex.P.1 is the non availability certificate issued by respondent on 28.01.2026. It shows that the death particulars of the said Mahadevamma W/o Late Parashivamurthy are not entered in death register. Ex.P.2 is the notarized genealogical tree of the family of the petitioner. It shows the relationship of her with the said Mahadevamma W/o Late Parashivamurthy as stated in the petition. Ex.P.3 is true copy of Aadhaar card of her. It shows address of her. Ex.P.4 is death certificate of her father. Ex.P.5 is the true copy of election identity card of mother of petitioner. It shows her name and address.

9. The petitioner has informed about the death particulars of the said Mahadevamma W/o Late Parashivamurthy through Exs.P.6 and 7/paper publications in 'Hello Mysuru' and 'Kemmugilu' news papers dated on 12.03.2026. In response to paper publications, no one has appeared before the court to contest the case of the petitioner.

10. Under Section 13 of the Registration of Births and Deaths Act 1969, the Magistrate of the First Class has power to make an order to the concerned authority established under the statute to make necessary entries pertaining to the death or birth of any person whose birth or death has not been registered within one year of its occurrence.

11. It is also trite that in a proceeding Under Section 13(1) (3) of Registration of Births and Deaths Act, court is concerned with the factum of birth or death and date of birth or death is not relevant. This proposition finds support from the ratio laid down by Hon'ble High Court of **Karnataka in 2000(4) KCCR 2674 (State of Karnataka V/S Smt. Annakk)**, which reads thus:

“REGISTRATION OF BIRTHS AND DEATHS ACT, 1969 – Section 13(3) – Direction to make an entry in the Birth Register by the Magistrate-Challenged on the ground, that except the statement of applicant on oath there was no other material.

Held: The Magistrate in a proceeding Under Section 13(3) only ascertains the birth of the child and date is not the material consideration, as such directions bind only the Registration Office under the Act to make an entry and does not carry higher probative value.”

12. The materials on record clearly show that the said Mahadevamma W/o Late Parashivamurthy is found to have died as averred and deposed by the petitioner. As mentioned above, the evidence of P.W.1 supports the case of the petitioner. Therefore, the petition needs to be allowed. Hence, **point No.1** is answered in the **affirmative**.

13. POINT NO.2:- In the light of the above discussion, I proceed to pass the following:-

ORDER

The petition filed by the petitioner under Section 13 (3) of Registration of Births and Deaths Act 1969 is hereby allowed.

The respondent is hereby directed to register the death particulars of one Mahadevamma W/o Late Parashivamurthy who died on 20.09.2011 at Madapura village, Talakadu Hobali, T. Narasipura taluk, Mysuru District in the concerned death register by collecting fee, if any, as per rules.

There is no order as to
costs.

(Dictated to the Stenographer directly on the computer, typed by him, corrected
and then pronounced by me in the Open Court on this 18th day of June, 2026)

(PARVEEN A BANKAPUR),
Senior Civil Judge and JMFC,
T. Narasipura.

A N N E X U R E

1. WITNESS EXAMINED FOR THE PETITIONER:-

P.W.1 : Smt. Sharada.

2. DOCUMENTS MARKED FOR THE PETITIONER:-

Ex.P.1 : Non-availability Certificate.

Ex.P.2 : Notarized copy of Genealogical tree.

Ex.P.3 : True copy of Aadhaar card of
P.W.1.

Ex.P.4 : Death certificate of father of P.W.1.

Ex.P.5 : True copy of election identity card of
mother of P.W.1.

Exs.P.6 & 7: Paper publications in 'Hello Mysuru'
and 'Kemmugilu' news papers.

3. WITNESS EXAMINED FOR THE RESPONDENT:-
- N I L -

4. DOCUMENT MARKED FOR THE RESPONDENT:-
- N I L -

(PARVEEN A BANKAPUR),
Senior Civil Judge and JMFC,
T. Narasipura.

(Separate order is passed and pronounced in the open court)

ORDER

The petition filed by the petitioner under Section 13 (3) of Registration of Births and Deaths Act 1969 is hereby allowed.

The respondent is hereby directed to register the death particulars of one Mahadevamma W/o Late Parashivamurthy who died on 20.09.2011 at Madapura village, Talakadu Hobali, T. Narasipura taluk, Mysuru District in the concerned death register by collecting fee, if any, as per rules.

There is no order as to costs.

Senior Civil Judge and JMFC,
T. Narasipura.