

KAMS700015052024



**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.470/2024.

DATED THIS 18th DAY OF JUNE, 2026.

PETITIONERS

- : 1. Sri. Siddaraju
S/o Late Mallaiah @ Pooja Mallaiah
Age: 54 Years,
2. Sri. Nagaiah
S/o Late Mallaiah @ Pooja Mallaiah
Age: 56 years.
3. Sri. Sannaiah
S/o Late Mallaiah @ Pooja Mallaiah
Age: 58 years.
4. Smt. Nagamma
W/o Late Mahadeva,
Age: 45 years.
5. Mahesh S/o Late Nanjaiah
Age: 35 years.
6. Smt. Jyothi D/o Late Nanjaiah,
Age: 30 years.

7. Nagaraju S/o Late Nanjaiah,
Age: 28 years.

P-1 to 7 are R/at: Ramegowdanapura
village, Sosale Hobali,
T. Narasipura taluk,
Mysuru District.

8. Raju S/o Ramaiah,
Late Mallamma,
Age: 56 years,
R/at: Sosale village,
Sosale Hobali,
T. Narasipura taluk.

9. Chandramma W/o Shankara,
D/o Late Mallamma,
Age: 52 years,
R/at: Chatnahalli village,
Dudgere Post, Varuna Hobali,
Mysuru Taluk, Mysuru.

10. Jayalakshmi W/o Chandrashekar
D/o Late Mallamma,
Age: 50 years,
R/at: # 444, Ambedkar Road,
Sosale village,
Sosale Hobali,
T. Narasipura taluk.

11. Nagamani W/o Nagaiah,
D/o Late Mallaiah,
Age: 40 years,
R/at: Ramegowdanapura village,
Sosale Hobali,
T. Narasipura taluk.

12. M. Mahadevaiah,
S/o Late Marimadaiah,
and Boramma,
Age: 55 years,

R/at: Hosapura village,
Muguru Hobali,
T. Narasipura taluk.

13. Mahadevaswamy
S/o Late Marimadaiah,
and Boramma,
Age: 46 years,
R/at: Hosapura village,
Muguru Hobali,
T. Narasipura taluk.

(By Nagamma, Advocate)

Vs.

- RESPONDENTS** : 1. Thasildar,
T. Narasipura taluk,
T. Narasipura.
2. Smt. Mallajamma
W/o Late Mallaiah,
Age: 28 years,
R/at: Ramegowdanapura village,
Sosale Hobali,
T. Narasipura taluk.

(Exparte)

ORDER

The petitioners have filed the petition under Section 13(3) of Registration of Births and Deaths Act, 1969 seeking issuance of direction to the respondent No.1 to issue the death certificate of the mother of the petitioners No.1 to 3, mother in law of the petitioner No.4, grand mother of the petitioners No.5 to 13 and mother in law of the respondent No.2 namely Madamma D/o Late Pooja Mallaiah.

2. In the petition, the petitioners have stated that the said Madamma D/o Late Pooja Mallaiah died on 16.10.1991 at Ramegowdanapura village, Sosale Hobali, T. Narasipura taluk. They were under an impression that the death details of the said Madamma D/o Late Pooja Mallaiah were informed to the respondent. But, they came to know that the said details were not informed to him when the latter issued the non-availability certificate. Accordingly, they have prayed to allow the petition.

3. The respondents have not appeared before the court though the notice is served upon them. Hence, they are placed exparte.

4. The petitioner No.1 examined himself as P.W.1 and has got a witness examined as P.W.2 and got 6 documents marked Exs.P.1 to 6 to prove their case. The cross examination of P.Ws.1 and 2 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 petitioners have 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 29.10.2025. It shows that the death particulars of the said Madamma D/o Late Pooja Mallaiah are not entered in death register. Exs.P.4 and 5 are the true copies of Aadhaar card of P.Ws.1 and 2. They show the addresses of them. Ex.P.6 is the notarized genealogical tree of the family of the petitioners and the respondent No.2. It shows the relationship of them with the said Madamma D/o Late Pooja Mallaiah.

9. The petitioner has informed about the death particulars of the said Madamma D/o Late Pooja Mallaiah through Exs.P.2 and 3/paper publications in 'Hello Mysuru' and 'Kemmugilu' news papers dated on 01.01.2025. 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 Madamma D/o Late Pooja Mallaiah is found to have died as averred and deposed by the P.Ws.1 and 2. As mentioned above, the evidence of P.Ws.1 and 2 supports the case of the petitioners. 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 petitioners under Section 13 (3) of Registration of Births and Deaths Act 1969 is hereby allowed.

The respondent No.1 is hereby directed to register the death particulars of one Madamma D/o Late Pooja Mallaiah who died on 16.10.1991 at Ramegowdanapura village, Sosale Hobali, Hobali, T. Narasiprua taluk 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.

ANNEXURE**1. WITNESSES EXAMINED FOR THE PETITIONERS:-**

P.W.1 : Sri. Siddaraju.

P.W.2 : Sri. Shivamallappa.

2. DOCUMENTS MARKED FOR THE PETITIONERS:-

Ex.P.1 : Non-availability Certificate.

Exs.P.2 & 3: Paper publications in 'Hello Mysuru' and 'Kemmugilu' news papers.

Exs.P.4 & 5: True copies of Aadhaar card of P.Ws.1 and 2.

Ex.P.6 : Notarized copy of Genealogical tree.

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 petitioners under Section 13 (3) of Registration of Births and Deaths Act 1969 is hereby allowed.

The respondent No.1 is hereby directed to register the death particulars of one Madamma D/o Late Pooja Mallaiah who died on 16.10.1991 at Ramegowdanapura village, Sosale Hobali, Hobali, T. Narasiprua taluk 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.