

KAMS700018122025



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

PRESENT

SRI. HANUMANTHA G.H.

B.A.L., LL.M.

Senior Civil Judge and JMFC, T. Narasipura.

CRL. MISC. NO.545/2025.

DATED THIS 02nd DAY OF APRIL, 2026.

PETITIONERS

- :**
1. Smt. Basamma
W/o Late Basavnayaka,
Age: 75 years.
 2. Chikkamadamma
W/o Late Basavanayaka,
Age: 72 years,
R/at: Hosa Tirumakudalu,
Ward No.2, Byrapua village,
T. Narasipura town.
 3. Siddamma
W/o Mahadevanayaka,
Age: 70 years.
 4. Mahadevamma
W/o Govindanayaka,
Age: 52 years.
 5. Madhu M.G.
S/o Govindanayaka,
Age: 39 years.

P-1, 3 to 5 are R/at:
Nayakara Beedi,
Muguru Village,
T. Narasipura taluk.

(By Sri. Rajendra C. Advocate)

Vs.

RESPONDENT : Tahasildar,
Taluk office,
T. Narasipura.

(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 father of the petitioners No.1 to 4 and grand father of the petitioner No.5 namely Rachaiah S/o Late Yale Basavaiahna Siddaiah.

2. In the petition, the petitioners have stated that the said Rachaiah S/o Late Yale Basavaiahna Siddaiah died on 02.05.1996 at Muguru village, T. Narasipura taluk. They were under an impression that the death details of the said Rachaiah S/o Late Yale Basavaiahna Siddaiah 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 respondent has not appeared before the court though the notice is served upon him. Hence, he is placed exparte.

4. The petitioner No.5 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 the case of the petitioners. The cross examination of P.Ws.1 and 2 is taken as nil.

5. I have heard the arguments of learned counsel for the petitioners 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. The evidence of P.W.2 has supported the case of the petitioners. Ex.P.1 is the non availability certificate issued by respondent on 30.10.2025. It shows that the death particulars of the said Rachaiah S/o Late Yale Basavaiahna Siddaiah are not entered in death register. Ex.P.2 is the notarized genealogical tree of the family of the petitioners. It shows the relationship of them with the said Rachaiah S/o Late Yale Basavaiahna Siddaiah as stated in the petition. Exs.P.5 and 6 are the true copies of Aadhaar cards of P.Ws.1 and 2. They show the addresses of them.

9. The petitioners have informed about the death particulars of the said Rachaiah S/o Late Yale Basavaiahna Siddaiah through Exs.P.3 and 4/paper publications in 'Hello Mysuru' and 'Kemmugilu' news papers dated on 18.01.2026. In response to paper publications, no one has appeared before the court to contest the case of the petitioners.

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. The materials on record clearly show that the said Rachaiah S/o Late Yale Basavaiahna Siddaiah is found to have died as averred and deposed by the petitioners and P.W.1 respectively. As mentioned above, the evidence of P.W.2 supports the case of the petitioners. Therefore, the petition needs to be allowed. Hence, **point No.1** is answered in the **affirmative**.

12. 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 is hereby directed to register the death particulars of one Rachaiah S/o Late Yale Basavaiahna Siddaiah who died on 02.05.1996 at Muguru village, T. Narasipura 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 02nd day of April, 2026)

(HANUMANTHA G.H.),
Senior Civil Judge and JMFC,
T. Narasipura.

ANNEXURE

1. WITNESSES EXAMINED FOR THE PETITIONERS:-

P.W.1 : Sri. Madhu M.G.
P.W.2 : Sri. Nanjunda Nayaka.

2. DOCUMENTS MARKED FOR THE PETITIONERS:-

Ex.P.1 : Non-availability Certificate.
Ex.P.2 : Notarized copy of Genealogical tree.
Exs.P.3 & 4: Paper publications in 'Hello Mysuru' and 'Kemmugilu' news papers.

Exs.P.5 & 6: True copies of Aadhaar cards of
P.Ws.1 and 2.

3. WITNESS EXAMINED FOR THE RESPONDENT:-

-N I L-

4. DOCUMENT MARKED FOR THE RESPONDENT:-

-N I L-

(HANUMANTHA G.H.),
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 is hereby directed to register the death particulars of one

Rachaiah S/o Late Yale
Basavaiahna Siddaiah who
died on 02.05.1996 at
Muguru village, T.
Narasipura 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.