



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

Dated this the 7th day of July 2026

Present: **Smt.Niveditha N.**, B.A.L., LL.B, LL.M.,
I Additional Civil Judge & JMFC., T.Narasipura.

Crl.Misc./172/2026

Petitioners

- : 1. Nagashetty,
S/o Late Marashetty,
Aged about 54 years.
2. Madesha,
S/o Late Marashetty,
Aged about 49 years.
3. Chennajamma,
D/o Late Marashetty,
Aged about 47 years.
4. Jayagopala,
S/o Late Marashetty,
Aged about 45 years.

All are R/at Kaliyuru Village, Talakadu
Hobli, T.Narasipura Taluk, Mysuru
District.

(By Sri.M.R., Advocate)

V/S

Respondent : Tahsildar,
Taluk Office,
T.Narasipura.

(Ex-parte)

ORDER

The petitioners have filed petition under Section.13(3) under the Karnataka Registration of Births and Deaths Act, 1969. Objection is not filed to the said application.

2. The petitioner's case in brief as follows:-

In the petition, the petitioners have contended that, the father of petitioners No.1 to 4 by name **Marashetty S/o Late Kempanamadashetty** died on **26/06/1990** at Kaliyuru Village, Talakadu Hobli, T.Narasipura Taluk. The petitioners have no knowledge that, the death has to be informed to the respondent authority. Further contended that, since the petitioners have to change the khatha, the petitioners have filed an application to the respondent authority who had issued Non-availability certificate by stating that, the date of death of **Marashetty S/o Late Kempanamadashetty** was not registered in the respondent authority. Hence, the Petitioners prays to direct the respondent to register the death of **Marashetty S/o Late Kempanamadashetty** who died on **26/06/1990** and to issue death certificate.

3. The respondent is remained absent and placed Ex-parte.

4. The petitioner No.1 was examined as P.W.1 and got marked 6 documents as Ex.P1 to 6.

5. Heard the arguments.

6. Now the points that arise for consideration are:-

1. Whether the petitioners are entitled to the relief as sought for?
2. What order?

7. My findings on the above points are as under:-

Point No.1: In the Affirmative

Point No.2: As per final order for the following:-

REASONS

8. **Point No.1:-** In order to prove the contention of the petition, the petitioner No.4 has been examined himself as P.W.1 and in the affidavit he has reiterated the petition averments.

9. P.W.1 also relied upon 6 documents. Ex.P1 is the Non Availability Certificate with reference to the date of death of **Marashetty S/o Late Kempanamadashetty** is not in records of the Tahsildar, Birth and Death, T.Narasipura, Ex.P2 is the Notarized copy of Genealogical Tree, Ex.P3 is the Notarized copy of Adhara card of petitioner No.1, Ex.P4 and 5 are the Paper Publications, Ex.P6 is the RTC.

10. After institution of this petition, paper publication was issued in the local daily to the general public as per Ex.P4

and 5 calling upon rival claimants if any to contest the petition. In spite of paper publication in the local daily no rival claimant has appeared before this court.

11. Here it is to be noted that as per Section 13(b) of the Registration of Birth and death Act, 1969.

“If a birth or death has not been registered within 1 year from the date of its occurrence, then it shall be registered only with the order of the Magistrate after due enquiry”.

12. In the present case on hand, the P.W.1 through oral and documentary evidence has established that, the father of petitioners No.1 to 4 by name **Marashetty S/o Late Kempanamadashetty** died on **26/06/1990**. There is no reason to disbelieve the oral and documentary evidence of petitioners in the absence of any contra evidence. Further, inspite of issuing paper publication in the local daily news paper, no rival claimants have appeared before the court to contest the petition. Hence, based on the above reasons, the petition deserves to be allowed. **Hence, Point No.1 is answered in the Affirmative.**

13. **Point No.2:-** For the aforesaid reasons and discussions made above, this Court proceed to pass the following:-

ORDER

The petition filed by the Petitioners under Sec.13(3) of the Births and deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to make an entry of date of death of **Marashetty S/o Late Kempanamadashetty** died on **26/06/1990** at Kaliyuru Village, Talakadu Hobli, T.Narasipura Taluk in the register of Birth and Death after taking prescribed fee.

(Dictated to the Stenographer, on computer and computerized by her, corrected and pronounced by me in the open court on this the 7th day of July 2026)

**I Addl., Civil Judge & JMFC.,
T.Narasipura.**

ANNEXURE

List of witnesses examined on behalf of Petitioners:-

PW-1 : Jayagopala

List of witnesses examined on behalf of respondent:-

- NIL -

List of documents marked on behalf of Petitioners:-

Ex.P 1 : Non-availability Certificate
Ex.P 2 : Notarized copy of Genealogical Tree
Ex.P 3 : Notarized copy of Adhara card of Petitioner
No.4
Ex.P 4 & 5 : Paper Publications (2 Nos)
Ex.P 6 : RTC

List of documents marked on behalf of respondent:-

- NIL -

**I Addl., Civil Judge & JMFC.,
T.Narasipura**

(Order pronounced in open court vide separate order)

ORDER

The petition filed by the Petitioners under Sec.13(3) of the Births and deaths Act, 1969 is hereby allowed.

The respondent is hereby directed to make an entry of date of death of **Marashetty S/o Late Kempanamadashetty** died on **26/06/1990** at Kaliyuru Village, Talakadu Hobli, T.Narasipura Taluk in the register of Birth and Death after taking prescribed fee.

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**