

IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C., DEVADURGA

Present:

Sri.Suresh Annappa Savadi., B.A., L.L.B. (SPL).,

Senior Civil Judge & JMFC, Devadurga.

Crl.Misc.No.13/2026

DATED : THIS THE 16th DAY OF JUNE 2026

Petitioner:

1. Ramanna S/o. Late Huligemma,
Age: 36 years, Occ: Coolie,
2. Shivaraj S/o. Late Huligemma,
Age: 34 years, Occ: Coolie, both are
R/o. Mundaragi, Tq: Arkera, Dist: Raichur.

(By Sri.M.M. Advocate)

-Versus-

Respondent:

1. The Tahsildar Officer, Devadurga,
Tq:Devadurga, Dist: Raichur.
2. To All concerned.

(Exparte)

ORDER

The petitioners have filed this petition Under Section 13 (3) of Registration of Births and Deaths Act, 1969 seeking direction to respondent to enter the date of death of deceased Late Huligemma D/o. Shivappa who died on 31.12.2013 at Mundaragi village, Tq:Arakera, Dist: Raichur and to issue Death Certificate.

2. Brief facts are as under:

In the petition, the petitioners have stated that, the mother of petitioners i.e., Late Huligemma D/o. Shivappa who died on 31.12.2013 at Mundaragi village, Tq:Arakera, Dist: Raichur. The factum of death of Late Huligemma D/o. Shivappa was not informed to be concerned authority. Now petitioners are in need of death certificate for production before the concerned authority for government facilities. Hence the petitioners have applied to the respondents to furnish death certificate of Late Huligemma D/o. Shivappa. But the respondent has given Non-Availability Certificate. Hence this petition.

3. The respondent did not appeared and notice issued through paper publication for public at large. No one has appeared.

4. The petitioner no.1 examined herself as P.W.1 and got marked Ex.P.1 to 7 and closed the side. None were examined on behalf of respondents.

5. Heard the arguments.

6. Upon hearing arguments and on perusal of materials placed on records, following points arises for consideration.

1. Whether the petitioners have made out sufficient grounds for allowing the petition?
2. What Order?

7. My findings to 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 case petitioner No.1 is examined herself as PW.1 and reiterated the petition contents in his examination-in-chief affidavit. The death particulars of Late Huligemma D/o. Shivappa were not entered in concerned records. Now petitioners are in need of death certificate for correction of revenue entries. The petitioner No.1 has applied to the respondent to furnish his mother's death certificate. But the respondent has given Non-Availability Certificate. Now the death certificate of Late Huligemma D/o. Shivappa is required for correction of revenue entries.

9. Sec 13(3) of Registration of Birth and Deaths Act 1969 is read as under:

Any birth or death which has not been registered within one year of its occurrence shall be registered only on an order made by a Magistrate of the first class or a presidency magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.

10. As per the above provision of law, any birth or deaths shall not be entered in the register of births and deaths after one year of the event, without order of the Magistrate of First Class or Presidency Magistrate. The petitioners have stated in the petition as well as in his examination-in-chief affidavit that his mother died on 31.12.2013 at Mundaragi village, Tq:Arakera, Dist: Raichur During the course of evidence Ex.P.1 to 7 have been marked. The Ex.P.1 is the non availability certificate issued by the respondent No.1 stating that the death particulars of Late Huligemma D/o. Shivappa not been registered in the register of births and deaths maintained by respondent offices, Ex.P.2 is the certified copy of family tree issued by the revenue authority, Ex.P.3 is the attested copy of election card, Ex.P.4 and 5 are the Adhaar Cards, Ex.P.6 and 7 are the paper publication.

11. After going through the entire material this court did not find any reasons to disbelieve the case of the petitioners. Therefore considering the oral and documentary evidence on record in my considered opinion the petitioners have proved the point No.1. Hence, this court answered the Point No.1 in the Affirmative.

12. **POINT No.2:** For the foregoing reasons, I 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 Late Huligemma D/o. Shivappa who died on 31.12.2013 at Mundaragi village, Tq:Arakera, Dist: Raichur in the concerned register and issue death certificate, to the petitioners on payment of prescribed fees.

No order as to costs.

(Dictated to the stenographer directly on computer and printout taken by him, corrected and then pronounced by me in the open court on this the 16th day of June 2026).

(Sri.Suresh Annappa Savadi)
Senior Civil Judge & JMFC.,
Devadurga.

ANNEXURES

1. List of witness examined on behalf of petitioner.

P.W-1 : Ramanna M/o. Huligemma

2. List of documents marked on behalf of petitioner.

Ex.P-1 : Non-availability certificate.

Ex.P.2 : Certified copy of Family tree

Ex.P.3 : Election card

Ex.P.4 & 5 : Adhaar Cards

Ex.P.6 & 7 : Paper publications

3. List of witness examined on behalf of respondent.

-Nil-

4. List of documents marked on behalf of respondent.

-Nil-

(Sri.Suresh Annappa Savadi)
Senior Civil Judge & JMFC.,
Devadurga.