

IN THE COURT OF SENIOR CIVIL JUDGE AND J.M.F.C,
MANVI

Present: Sri. Kanchi Mayanna Goutam, B.A.L.,LL.M.,
Senior Civil Judge and JMFC, Manvi.

DATED ON THE 6th DAY OF JULY, 2026

CRI. MISC. No.258/2025

Petitioner: Smt Basamma W/o Fakirappa,
Age: 39 years,
R/o Near Tippanna temple,
Sanna Hosuru Madagiri,
Tq- Sirwar. Dist: Raichur

(By Sri. Sunkanur Shivappa Nayak,
Advocate)

// Versus //

Respondents: 1. The Tahasildar Sirwar
2. All concerned.
(Exparte)

ORDER

The petitioner has filed this petition under section 13(3) of Registration of Birth and Death Act seeking direction to the respondent to enter the date of death of petitioner's uncle by name Shivaputra S/o Yallappa as 10.09.1998 in the register maintained by the respondent authority.

2. After registration of petition notice has been issued to the respondent. Though, the said notice has been served, the respondent did not choose to oppose the petition. The petitioner was also directed to takeout paper publication as mandated by the Hon'ble High Court of Karnataka in the decision of Muniyamma V/S Devegowda. Even after the paper publication in two Kannada Newspapers, no objections were received with regard to entertaining of this petition. Hence, the case is posted for evidence.

3. The petitioner examined as PW1 and Ex.P1 to 4 got marked.

4. Heard arguments on petitioner's side.

5. The following points arise for my consideration:

1) Whether the petitioner is entitled to get death certificate of Shivaputra S/o Yallappa, who died on 10.09.1998?

2) What order?

6. My answer to the above points is as follows:

Point No.1 : In the affirmative.

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

REASONS

7. **POINT NO. 1** : - It is the case of the petitioner that, the petitioner's father by name Shivaputra S/o Yallappa was died on 10.09.1998 at Sanna Hosuru village of Sirwar Taluk. The petitioner could not able to inform about the death of Shivaputra S/o Yallappa before the concerned authorities within time, which is purely a bonafide mistake. The death certificate of Shivaputra S/o Yallappa is required for the petitioner for change of khatha. Thus, the petitioner has applied for death certificate before the respondent authority. The respondent authorities have issued non-availability certificate, which is marked at **Ex.P1**. Since, the petitioner has not informed the death of Shivaputra S/o Yallappa, the respondent authorities have rightly issued non-availability

certificate. Under the Act, if the information of death has not been given within one year to the respondent authority, the petitioner has to approach this court for getting the death certificate. Hence, the petitioner has filed this petition. The petitioner filed affidavit in the form of his evidence and reiterated the facts stated in the petition. The evidence of petitioner remains unchallenged. The reasons assigned by the petitioner is lack of knowledge. Under such circumstances, as there is provision under law to give direction to the respondent, and it is a fit case to give direction to the respondent to register the death of Shivaputra S/o Yallappa as 10.09.1998. If the death certificate is ordered to issue, no harm will be caused to the State. Thus, there is no hurdle in allowing the petition. If at all, the respondent is having any grievance, definitely he would have come and contest the matter. Silent on their part discloses that they have no objections to issue the death certificate. Hence, Point No.1 is answered in the **affirmative**.

8. **POINT No. 2** : - For the aforesaid reasons and discussions, I proceed to pass the following:

ORDER

The petition filed by the petitioner under section 13(3) of Registration of Birth and Death Act is hereby allowed.

The respondent is hereby directed to enter the death of Shivaputra S/o Yallappa who died on 10.09.1998 at Sanna Hosuru village of Sirwar Taluk, Raichur District, in the register maintained by them after taking necessary charges if any.

The respondent is further directed to issue Death certificate accordingly after collecting late fee.

(Dictated to the Stenographer directly on Computer, typed by her corrected by me and then pronounced in the open court on 6th day of July, 2026).

(Kanchi Mayanna Goutam)
Senior Civil Judge & JMFC, Manvi.

:- ANNEXURE :-

1. List of witnesses examined for the petitioner :

PW1 : Smt Basamma

2. List of documents marked for the petitioner :

Ex.P1 : Non-availability certificate

Ex.P2 : Death report issued by
Anganwadi worker

Ex.P3 : Raichur Dhvani

Ex.P4 : Udayavani

3. List of witnesses examined for the respondents :

-Nil-

4. List of documents marked for the respondents :

-Nil-

Senior Civil Judge & JMFC,
Manvi.