

IN THE COURT OF THE PRL CIVIL JUDGE JMFC
COURT., AT SINDHANUR

PRESENT: SMT. RUPA. C. VAGGA., B.B.A.,LL.B.,
Prl Civil Judge & J.M.F.C.
Court., Sindhanur.

DATED THIS THE 29th DAY OF JULY-2026.

Crl.Misc.No.536/2026

PETITIONERS:-

1. Nagamma W/o. Mallappa
Age: 80 Yrs., Occ: Household,
R/o. Basavanna Temple, Sukalpet,
Tq: Sindhanur and Dist: Raichur
2. Yamanappa Kolibingi S/o. Mallappa
Age: 58 yrs., Occ: Agri.,
R/o. Sukalpet, Tq: Sindhanur and Dist: Raichur
3. Shekharappa Kolibingi S/o. Mallappa Kolibingi
Age: 42 Yrs., Occ: Agri..
R/o. Sukalpet, Tq: Sindhanur and Dist: Raichur
4. Hanumanthappa S/o. Mallappa Kolibingi
Age: 47 Yrs.,, Occ: Agri.,
R/o. Ward No.28, Sukalpet, Tq: Sindhanur
Dist: Raichur

(By Sri. G.S., Adv)

V/s

RESONDENTS:-

1. The CMC,
Registrar of Birth and Death,
Sindhanur Taluk.
2. All concerned.

(Placed Ex-parte)

::O R D E R ::

This petition filed by the petitioners to issue direction to the Respondent to register the date of death of **Mallappa S/o. Erappa, who died on 30.01.1998 at Ward No.28, Sukalpete, Sindhanur Taluk**, when they approached the respondent office for issuance of death certificate, they have issued an endorsement dated 24.02.2026. Hence, the petitioners filed this petition and prayed to allow the petition and direct the respondent to make the entry of deceased.

2. After registration of the petition, the notice was issued to the Respondent and duly served to the respondent. In spite of service of notice the Respondent not appeared before the court. Further, about the institution of the proceedings by the petitioners have been published in Udayakala and Janabala times newspaper dated 25.07.2026 In pursuance of the publication, no objectors have appeared opposing the issuance of death certificate. As such, the case was posted for petitioner's evidence. The petitioner No.2 has examined himself as and got marked documents as Ex.P.1 to Ex.P.4. The cross-examination of P.W.1 taken as nil.

3. Heard arguments and perused the records.

4. The points arise for my consideration is:

1. Whether the petitioners have made out sufficient grounds to allow the petition and issue directions to the respondent?
2. What order?

5. My findings to the above points are as under: -

Point No.1: Affirmative.

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

REASONS

6. **POINT No.1**:- I have gone through the petition averments, evidence of P.W-1 and the exhibits marked in the case. The endorsement shows the date of death of deceased has not registered in the respondent office. The P.W.1 clearly deposed that **Mallappa S/o. Erappa, who died on 30.01.1998 at Ward No.28, Sukalpete, Sindhanur Taluk**, The P.W.1 deposed that the petitioners is only legal heirs of the deceased. The respondent remained exparte and no objectors are appeared to oppose the petition and contention of the petitioners by way of evidence is not at all challenged. Without material to the contrary, there is no reason to disbelieve the evidence of the petitioners placed before this court. Hence, this court is of the opinion that the petitioners have made out sufficient grounds to allow the petition. Therefore, I answer point No.1 in the affirmative.

7. **POINT No.2**:- For the above said reasons, I proceed to pass the following:-

:: ORDER ::

The petition filed by the petitioners U/sec. 13(3) of Birth and Death Registration Act is hereby allowed.

The Respondent is directed to register the date of death of **Mallappa S/o. Erappa, who died on 30.01.1998 at Ward No.28, Sukalpete, Sindhanur Taluk**, in the register maintained under the Act after collecting the death report and necessary fee as per the rules.

Issue intimation accordingly,

No order as to costs.

(Dictation is dictated to the Stenographer, directly on the computer, and computerized by him corrected, initialed and then pronounced by me in the open court on this the **29th day of July-2026**)

(Smt.RUPA. C. VAGGA)
Prl Civil Judge & JMFC.
Court., Sindhanur.

:: ANNEXURE ::

WITNESS EXAMINED ON BEHALF OF THE PETITIONER:

P.W.1 : Yamunappa Kolibingi.

DOCUMENTS MARKED ON BEHALF OF THE PETITIONER:

Ex.P.1 : Non- Availability Certificate.
Ex.P.2 & 3 : Paper publications.
Ex.P.4 : Notarized copy of Aadhar card.

WITNESS EXAMINED ON BEHALF OF THE RESPONDENT:

-NIL-

DOCUMENTS MARKED ON BEHALF OF THE RESPONDENT:

-NIL-

Sd/-

(Smt.RUPA. C. VAGGA)
Prl Civil Judge & JMFC.
Court., Sindhanur.