

KARN220021302025



**IN THE COURT OF ADDITIONAL CIVIL JUDGE AND JUDICIAL
MAGISTRATE FIRST CLASS, AT CHANNAPATNA**

PRESENT

Sri. SURESHA.S.N B.A. LL.B
Addl.Civil Judge & JMFC,
CHANNAPATNA.

Dated: 26th Day of March 2026

Crl.Misc./552/2025

Petitioner: Smt.Ambujamma,
W/o Late Kantharaju,
Aged about 56 years

R/at Byrapatna Village,
Channapatna Taluk,
Ramanagara District.

(Rep.by Sri.Anukumar M., Advocate)

- Vs -

Respondent/s: The Tahasildar,
The Birth and Death Registrar,
Channapatna Taluk
Ramanagara District.

(Absent)

ORDERS

**THIS PETITION IS FILED UNDER SECTION 13(3) OF THE
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969.**

This petition is filed by the petitioner seeking an Order to the
respondent to register the date of death of grand-father of
petitioner by name Sri.Lingegowda S/o Late Lingegowda as

19.03.1950. It is stated that Sri.Lingegowda S/o Late Lingegowda was died on 19.03.1950 and his date of death was not registered due to lack of awareness. Now the petitioner is in need of the death certificate of Sri.Lingegowda S/o Late Lingegowda. The notice of the petition has been served on the respondent. The respondent did not appear before the Court. The petitioner has also carried out public notice by way of paper publication on the interested parties from amongst the general public in two daily newspapers. Pursuant to the paper publication, no person from the general public appeared before the Court to object to the petition.

2. In support of the petition, petitioner has been examined as PW.1 and Ex.P1 to 7 documents have been marked. The Respondent remained absent, therefore the cross examination of PW.1 and respondent evidence does not arise at all.

3. Heard the arguments.

POINTS FOR CONSIDERATION

- (i) Whether the petitioner is entitled for registration of the date of death of Sri.Lingegowda S/o Late Lingegowda as 19.03.1950?
- (ii) What order ?

4. My answers to the above point is as under:

Point No.1 : In the **Affirmative**

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

REASONS

5. POINT NO.1: The petitioner examined herself as PW.1. Documents at Ex.P1 to 7 have been marked through PW.1. Exh.P1 is the non-availability certificate dated 06.05.2025 issued by the respondent; Exh.P-2 is the report from the office of Tahasildar, Channapatna; Exh.P-3 is the Notarized copy of Genealogical Tree affirmative; Exh.P-4 is the RTC bearing Sy No.207/2 for the period from 2024-25, Exh.P5 is the Notarized copy of Adhar Card of petitioner; Exh.P6 & 7 are the **Karunadakanva** and **Kalapriya** newspaper showing the publication of public notice.

6. PW.1 has deposed in support of his case in her examination in chief. She has deposed that her grand-father Sri.Lingegowda S/o Late Lingegowda was died on 19.03.1950 at Brahmanipura Village, Channapatna Taluk, Ramanagara District. The date of the death of Sri.Lingegowda S/o Late Lingegowda as 19.03.1950 in the deposition of PW.1. It has been stated that petitioner has not got registered death of Sri.Lingegowda S/o Late Lingegowda due to lack of awareness. The respondent remained absent, the entire evidence available on record has remained unchallenged and undisputed. The petitioner also carried out public notice by way of paper publication in two daily newspapers on the interested parties from amongst the general public in view of the decision of the

Honourable High Court in **Muniyamma V/s. Devegowda** reported in ILR 2013 KAR 4703. Pursuant to the paper publication, no person from the general public appeared before the Court to object to the petition.

7. It is pertinent to note that in the case of **State of Karnataka V/s. Annakka** reported in ILR 2000 KAR 4770, the Honourable High Court with reference to section 13 (3) of Registration of Births and Deaths Act. 1969, has held as follows:

“The policy of the law embodied in the section, as it appears to me, is to avoid manipulation in the entries relating to the date of births and deaths. Such entry shall be made immediately after the occurrence. Precaution should be taken while making delayed entries. The law says that an entry which has not been made within one year of its occurrence cannot be made without an order of the Magistrate. Section 13 (3) of the Act is just a constraint on the Registrar. It is not a provision whereby an aggrieved party could get an adjudication on his disputed date of birth. The order of the Magistrate binds only the Registrar and not others. The entry made by the Registrar pursuant to an order of the Magistrate, cannot carry higher probative value and its proof must necessarily depend upon the facts and circumstances of each case.

8. It is also relevant to mention the judgment of **Hon'ble High Court of Karnataka rendered in Smt. Devamma v/s Registrar** of Births and Deaths reported as **ILR 2003 KAR 4787**, wherein it is held that -

“10. The whole object of the Act is to ensure that there is a record of births and deaths and duly maintained by a public authority appointed for such purpose and a certificate issued by such an authority evidences the factum of such birth and death. Any Interpretation on the provisions of this Act should be to achieve the object of this Act and not to defeat the object of this Act. The provisions of this Act cannot be understood so as to prove about a situation where no certificate can be issued, a certificate in respect of an event that in fact has occurred, but may be prior to the Act came into force.”

The above cited decision is aptly applicable to the present case on hand. Even if the grand-father of petitioner by name Sri.Lingegowda S/o Late Lingegowda was died on 19.03.1950 i.e., prior to 1969, the date of death of Sri.Lingegowda S/o Late Lingegowda can be registered and the death certificate can be issued.

9. In the light of the foregoing discussions and law elucidated by the Honourable High Court in the decisions in **State of Karnataka V/s. Annakka** reported in ILR 2000 KAR 4770 and in **Muniyamma v. Devegowda** reported in ILR 2013 KAR 4703, considering the nature and scope of proceedings, on the basis of the evidence discussed herein above, I am satisfied that the

averments made in the petition are believable. Therefore, I find no impediment in allowing the petition depending upon the sworn evidence of the PW.1 and the Exh.P1 to 7. Accordingly, Point No.1 is answered in the **Affirmative**.

9. POINT NO.2: In view of my findings and answers to point No.1 and reasons assigned therein, I proceed to pass the following:

ORDER

The petition filed U/Sec.13(3) of the Registration of Birth and Death Act 1969 is hereby allowed.

Consequently the Respondent is hereby directed to make proper entries in respect of the date of death of **Sri.Lingegowda S/o Late Lingegowda as 19.03.1950** (ಶ್ರೀ.ಲಿಂಗೇಗೌಡ ಬಿನ್ ಲೇಟ್ ಲಿಂಗೇಗೌಡ) in the relevant registers maintained in the office after receiving the requisite fee.

(Dictated to the Stenographer and directly transcribed by her on the computer. Thereafter corrected, signed and then pronounced in the open Court on 26th day of March 2026.)

(Suresha.S.N.)
Addl. Civil judge & JMFC
Channapatna.

: ANNEXURE :

List of witness examined for Petitioner/s:

PW.1 : Smt.Ambujamma

List of documents exhibited for Petitioner/s:

- Ex.P1 : Non availability certificate
Ex.P2 : Report from the office of Tahasildar, Channapatna
Ex.P3 : Notarized copy of Genealogical tree
Ex.P4 : RTC bearing Sy No.207/2 for the period from 2024-25
Ex.P5 : Notarized copy of Adhar card
Ex.P7 : Karunada Kanva Newspaper
Ex.P8 : Kalapriya Newspaper

List of witness examined for Respondent/s:

Nil

List of documents exhibited for Respondent/s:

Nil

**(Suresha.S.N.)
Addl. Civil Judge & JMFC
Channapatna.**

(Order pronounced in the Open Court)

(Vide separate Order)

ORDER

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(Suresha.S.N.)

**Addl. Civil Judge & JMFC.,
Channapatna.**