



**IN THE COURT OF THE III ADDITIONAL CIVIL JUDGE
& JMFC., KANAKAPURA.**

**Present: Sri. Raviprakash T. Avin
B.B.A, LL.M.**

Dated: This the 25th day of July, 2026

Criminal Miscellaneous No. 933/2025

PETITIONERS	1	Smt. Yashodamma W/o Late Nagaraju @ Lingaiah, Aged about 41 years, R/at: Mallappanahosalli Village, Venkatarayanadoddi Post, Kasaba Hobli, Kanakapura Taluk, Bengaluru South District.
	2	Sri. Basavaraju S/o Late Nagaraju @ Lingaiah, Aged about 25 years, R/at: Mallappanahosalli Village, Venkatarayanadoddi Post, Kasaba Hobli, Kanakapura Taluk. Bengaluru South District.
(BY Sri. V. K.R., Advocate)		
V/s		
RESPONDENTS	1	The Registrar of Birth & Death Represented by Tahasildar, Kanakapura Taluk, Kanakapura.
	2	The Village Accountant Kanakapura Taluk,



		Bengaluru South District.
		(Ex-parte)

ORDER

This Criminal Miscellaneous Petition is filed by the Petitioners under Section 13(3)(b) of the Registration of Births and Deaths Act.

2. In the petition, the Petitioners state that Petitioners are the only legal representatives of the deceased **“Nagaraju @ Lingaiah S/o Late Dyavaiah”** who died on 21.04.2000 at his residence in Mallappanahosalli Village, Venkatarayanadoddi Post, Kasaba Hobli, Kanakapura Taluk, Bengaluru South District. Due to unavoidable circumstances the Petitioners could not report the said death and therefore the said death is not registered in the concerned register. When the Petitioners sought for death certificate of the said deceased, the Respondents issued endorsement dated 05.04.2025 stating that the death of the said deceased is not registered. As the death certificate is required for change of khata the Petitioners have filed this petition.



3. Despite service of notice the Respondents did not appear before the court, therefore the proceedings against them were ex-parte.

4. The Petitioners to prove their case got examined Petitioner No.2 as PW.1. In all the Petitioners got marked Ex.P1 to Ex.P5 documents.

5. Heard learned counsel for the Petitioners and perused the materials.

6. The following points that arise for consideration;

POINTS

1. Whether the Petitioners have made out sufficient grounds to allow the petition?
 2. What Order?
7. My findings to the above points are as follows:

Point No.1 : In the Affirmative

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

REASONS

8. **Point No.1:** PW1 has reiterated the petition averments in his affidavit evidence. He has categorically



stated that the deceased “**Nagaraju @ Lingaiah S/o Late Dyavaiah**” is his father who died on **21.04.2000** at his residence in Mallappanahosalli Village, Venkatarayanadoddi Post, Kasaba Hobli, Kanakapura Taluk, Bengaluru South District. Ex.P1 is the Non-Availability Certificate dated 05.04.2025, Ex.P2 is the Genealogical Tree, Ex.P3 is the Notarized adhaar card, Ex.4 and 5 are the notices published in Udayakala and Vishwavani daily newspapers, respectively. In response to paper publication no objectors appeared before the court to contest the case of the Petitioners.

9. Under Section 13 of the Registration of Births and Deaths Act 1969, the Magistrate of the First Class has power to make an order to the concerned authority established under the statute to make necessary entries pertaining to the death or birth of any person whose birth or death has not been registered within one year of its occurrence.

10. The above materials on record support the claim of the Petitioners. There is nothing on record which is against the case of the Petitioner. Therefore, this court is of the opinion that the instant petition deserves to be



allowed. Hence, **Point No.1 is answered in the Affirmative.**

11. **Point No.2:** In the light of the above discussion, I proceed to pass the following;

ORDER

The petition filed by the Petitioners under Section 13(3)(b) of the Registration of Births and Deaths Act is hereby allowed.

The Respondents are hereby directed to register the death particulars of one “Nagaraju @ Lingaiah S/o Late Dyavaiah” who died on 21.04.2000 at his residence in Mallappanahosalli Village, Venkatarayanadoddi Post, Kasaba Hobli, Kanakapura Taluk, Bengaluru South District, in the concerned death register by collecting fee, if any, as per rules.

This order is made only to enter the date of death and any certificate issued by virtue of this order cannot be used



as substantive evidence to prove the
date of death.

(Dictated to the Stenographer directly on computer,
corrected and then pronounced in the Open Court on 25.07.2026)

(Sri. Raviprakash T. Avin)
III Addl. Civil Judge and JMFC,
Kanakapura.

ANNEXURE

1. List of witnesses examined by the Petitioners;

PW.1 : Basavaraju

2. List of documents exhibited by the Petitioners;

Ex.P1 : Non availability certificate

Ex.P2 : Genealogical Tree

Ex.P3 : Notarized copy of Aadhaar Card of PW-1

Ex.P4 and 5 : Notices published in Udayakala and
Vishwavani daily newspapers

3. List of witnesses examined by the Respondents;

- Nil -

4. List of documents exhibited by the Respondents;

- Nil -

III Addl. Civil Judge and JMFC,
Kanakapura.