



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

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

**Dated:** This the 1<sup>st</sup> day of June, 2026

**Criminal Miscellaneous No. 204/2026**

<b>PETITIONERS</b>	1	Sri. Venkataramanaswamy, Aged about 66 years, S/o Late M.D. Krishnappa, Residing at: Venkateshwara krupa, J. C. layout, Behind Police Quarters, Kanakapura City, Bengaluru South District-562117. Aadhar No. 4054 8504 1929.
	2	Smt. Lalithamma, Aged about 64 years, W/o Venkatesh, D/o Late M. D. Krishnappa, Residing at: # Malthesh Nilaya, Hanumantha Nagara, Opp: IPP Hospital, Kanakapura City, Bengaluru South District-562117 Aadhar No. 4659 3343 2404.
<b>(BY Sri. S. V. V, Advocate)</b>		
V/s		
<b>RESPONDENT</b>	1	The City Municipal Commissioner Kanakapura City,



	Municipal Office, Kanakapura.
	<b>(Ex-parte)</b>

### ORDER

This Criminal Miscellaneous Petition is filed by the Petitioners under Section 13(3) 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 “**M. D. Krishnappa @ M. D. Krishnappa Shetty S/o Late Dasappa Shetty**” who died on **27.04.1963** at his residence in Vivekanandanagara, Kanakapura City, 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 Respondent issued endorsement dated 05.01.2026 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.1 as PW.1. In all the Petitioners got marked Ex.P1 to Ex.P4 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 “**M. D. Krishnappa @ M. D. Krishnappa Shetty S/o Late Dasappa Shetty**” is his father who died on **27.04.1963** at his residence in Vivekandanagara, Kanakapura City, Kanakapura Taluk, Bengaluru South District. Ex.P1 is the Non-Availability Certificate dated 05.01.2026 and Ex.P2 is the Survivourship Certificate, Ex.P3 and 4 are the notices published in Vishwavani and Udayakala 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) of the Registration of Births and Deaths Act is hereby allowed.

The Respondent is hereby directed to register the death particulars of one “M. D. Krishnappa @ M. D. Krishna Shetty S/o Late Dasappa Shetty” who died on 27.04.1963 at his residence in Vivekandanagara, Kanakapura City, 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 01.06.2026)

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

**ANNEXURE**

**1. List of witnesses examined by the Petitioners;**

PW.1 : Vinkataramanswamy

**2. List of documents exhibited by the Petitioners;**

Ex.P1 : Non availability certificate

Ex.P2 : Survivorship Certificate

Ex.P3 and4 : Notices published in Vishwavani and  
Udayakala papers

**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.***