



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC, AT
MAGADI.**

:Present:

Sri. SHRINIVASA K.R. B.A.L, LL.M.

Prl. Civil Judge & JMFC,
Magadi.

Dated this the 26th day of March – 2026

Criminal. Misc.No.06/2026

PETITIONERS :

1. Lakshamma,
W/o Late Venkataiah,
Aged about 82 years,
2. Venkatalakshamma,
D/o Late Venkataiah,
Aged about 59 years,
Residing at No.1,
Honnaganahatti,
Tavarekere Hobli,
Bengaluru South Taluk.
3. Nagaraju.V,
S/o Late Venkataiah,
Aged about 53 years,

Petitioner No.1 to 3
residing at Nethanahalli Village,
Kasaba Hobli,
Magadi Taluk,
Bengaluru South District.

4. Jayalakshmi,
D/o Late Venkataiah,
Aged about 51 years,



Residing at No.25,
1st Main, 2nd cross,
Sannakkibaylu,
Kamakshipalya,
Bengaluru North.

(By Sri.G.H.M., Advocate)

// Versus //

RESPONDENT:-

The Tahashildar, Magadi Taluk,

(Ex-parte)

**ORDERS ON PETITION FILED U/S 13 (3) OF REGISTRATION
OF BIRTHS AND DEATHS ACT, 1969**

This petition filed by the petitioner U/Sec. 13(3) of the
Karnataka Births and Deaths Registration Act 1969.

2. **Brief facts:** It has been averred in the petition that, the
father of petitioner No.3 by name **Sri.Venkataiah S/o Late
Hanumaiah @ Yalavaiah**, was died on **10.09.2002** at
**Nethenahalli Village, Kasaba Hobli, Magadi Taluk, Bengaluru
South District**. That, the petitioners approached the respondent
Office for issue of Death Certificate of deceased, the respondent
Office issued **non-availability certificate**. The petitioners required



the Death Certificate of deceased for the purpose of change of Katha. Hence, this petition.

3. Despite of service of notice, the respondents remained absent and placed as Ex-parte.

4. The petitioner No.3 examined himself as PW-1 and got marked 8 documents at Ex.P-1 to Ex.P-8.

5. I have heard the arguments of petitioners counsel and perused the materials available on record.

6. The points arise for my consideration are as under;

**1. Whether the prayer made in the petition
can be granted”?**

2. What order?

7. My answers 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:-** During the course of arguments the counsel for petitioners reiterated the contents of petition. In support the learned counsel relied on evidence of PW-1 and Ex.P-1 to Ex.P-8 and prayed to allow the application.

9. On perusal PW-1 in his evidence deposed that, father of petitioner No.3 died on **10.09.2002** and further reiterated contents of petition. In addition to PW-1 has produced non-availability certificate at Ex.P-1, Ex.P-2 to 8 are the Genealogical Tree, certified copy of Aadhaar Cards of petitioners & Paper Publications.

10. The PW-1 has taken News Paper publications as per Ex.P-7 and 8 by which filing of petition brought to the notice of entire public, but none appeared in pursuance of said paper publications. From the evidence of PW-1 and Exhibits it appears that, deceased was father of petitioner No.3 who died on **10.09.2002**. The date of death of deceased is not entered in to respondent's office due to reasons best known to them. Therefore, there appears to be truth in the story of petitioners.



11. Hence, on perusal of Ex.P-1 and evidence, I am satisfied that there is no entry of death date of deceased in the respondent's Office. **Further, since the date of death is claimed as 10.09.2002, as per the Evidence Act presumption is liable to drawn.** Further, nothing contrary produced either by the respondent nor by the person interested, though petitioners have taken paper publications.

12. Therefore, it is necessary to direct the respondents to issue the death Certificate of deceased **Sri.Venkataiah S/o Late Hanumaiah @ Yalavaiah**. If the petition is allowed it binds only respondent and no others. However, the said order is not conclusive proof of death of deceased, if the fact of death is disputed either in any civil or criminal disputes. With these observations, I answer the Point No.1 in the **Affirmative**.

13. **Point No.2:-** For the aforesaid reasons, I proceed to pass the following:-



ORDER

The petition filed by the petitioners U/Sec. 13 (3) of Registration of Births and Deaths Act, is hereby allowed.

Consequently, the respondent is hereby directed to enter the date of death of the father of petitioner No.3 namely, **Sri.Venkataiah S/o Late Hanumaiah @ Yalavaiah**, as **10.09.2002**, on payment of requisite late fee.

(Directly dictated to the Stenographer on Computer and typed by her, corrected and then pronounced by me in open court on this the **26th day of March, 2026**.)

(Sri.SHRINIVASA K.R.)
Prl. Civil Judge & JMFC,
Magadi.

ANNEXURE

List of witness examined on behalf of petitioners:

PW.1 : Nagaraju.V S/o Late Venkataiah.

List of documents marked on behalf of petitioners:

Ex.P.1 : Non availability certificate
Ex.P.2 : Genealogical Tree
Ex.P.3-6 : Aadhar Cards of petitioners
Ex.P.7&8 : Paper Publications

List of examined on behalf of respondent:

-NIL-

KARN420000282026



List of witnesses & documents on behalf of respondent:

-NIL-

**Prl.
Civil Judge & JMFC,
Magadi.**