

KASM310033852026



Presented on : 10-04-2026
Registered on : 15-04-2026
Decided on : 09-06-2026
Duration : 00 years, 01 months,
25 days

**IN THE COURT OF THE II ADDITIONAL CIVIL JUDGE &
JMFC, AT : BHADRAVATHI.**

PRESENT: **SMT.CHETHANA, B.A.,L.L.B.,**
II Additional Civil Judge & JMFC,
Bhadravathi

Cri.Misc.No.255/2026

DATED THIS THE 9th DAY OF JUNE, 2026

Petitioner/s :1. Jayakumar,
S/o. Late. Siddappa,
Aged about 70 years,
R/at: Sanjivini, Bhavadi Extension,
Near Gadi Manjanna building,
Jogimatti Road, Chitradurga Taluk.

2. Smt. Varalakshmi,
W/o. Krishnappa,
Aged about 65 years,
R/at: Toranagatte Village and Post,
Jagaloor Taluk, Davanagere District.

3. Thippeswamy,
S/o. Kariyappa G.,
Aged about 53 years,
R/at: # 1702/1, 2nd cross,
2nd block, Vishwapriya layout,
Begur post, Bengaluru South.

4. Smt. Pramila,
W/o. Late. G.S. Hulikuntappa,

Aged about 71 years,
R/at: Toranagatte Village and Post,
Jagaloor Taluk, Davanagere District.

5. Nagesh G.H.,
S/o. Late. G.S.,Hulikuntappa,
Aged about 50 years,
R/at: Mathrushree Nilaya, Taluk
Office, Kanchibagilu, Old Town,
Bhadravathi.
6. Channakeshava G.S.,
S/o. Late. G.S.Hulikuntappa,
Aged about 49 years,
R/at: Toranagatte Village and Post,
Jagaloor Taluk, Davanagere District.

(By Sri. B. V. H., Advocate)

V/s

Respondent/s : The Commissioner,
The Births and Deaths Registrar,
City Municipal Council,
Bhadravathi.

(Ex-parte)

ORDERS ON MAIN PETITION

Petitioners have filed this petition under Section 13(3) of Births and Deaths Registration Act seeking directions from this Court to the Respondent to enter the date of death of grand mother of petitioner Nos.1 to 4 who is also the great grandmother of petitioner Nos.5 and 6 by name Smt. Hanumakka W/o. Ayyappa, who has expired on 14.08.1977 in the house in which the parents of petitioner No.5 was residing i.e. at Bhadravathi Town, Old Town Uppar Street. On death of said Smt.

Hanumakka W/o. Ayyappa, the Petitioners had intimated the fact of her death to the Respondent authorities orally. But, the same was not registered by the Respondent. The Petitioners are in need of death certificate of said Smt. Hanumakka W/o. Ayyapa to produce the same before proper forum and thus, approached the Respondent and submitted application. The Respondent has issued non availability certificate dated 22.12.2025 stating that, the death of Smt. Hanumakka W/o. Ayyappa, is not entered in the concerned register. Hence, this petition.

2. Notice was issued to the Respondent and inspite of service of the notice, Respondent has remained absent.

3. Inquiry under Section 13(3) of Births and Deaths Act was conducted.

4. The Petitioner No.5 got examined himself as PW.1 and got marked 15 documents at Exs.P1 to 15.

5. Heard learned counsel for Petitioners'.

6. Perused materials placed on record.

7. Following points arise for the consideration of this Court:

1. Whether the Petitioners prove that, Smt. Hanumakka W/o. Ayyappa, has expired on 14.08.1977 in their house?

2. What order?

8. The findings of this Court to the above points are as under:

Point No.1 : In the Affirmative

Point No.2 : As per final order

or the following:

REASONS

9. **Point No.1:-** It is the case of the Petitioners' that, the Respondent authorities have not entered the date of death of Smt. Hanumakka W/o. Ayyappa, hence this petition.

10. Ex.P1 is the acknowledgment issued by Respondent regarding non-availability of death certificate. Ex.P2 is the Notarized genealogical tree. Exs.P3 to 8 are the Notarized copies of Aadhar cards of petitioners; Exs.P9 and 10 are the Bhadravahini and Bhuvanavarthe News papers; Exs.P9(a) and 10(a) are the Paper publications done in Exs.P9 and 10 and Ex.P.11 to 15 are the notarized copies of death certificates.

11. PW.1 has filed his evidence on affidavit, reiterating the contents of the petition. It is contended by PW.1 that, his great grandmother Smt.Hanumakka W/o.Ayyappa, has expired on 14.08.1977 at Uppar street, old Town, Bhadravathi and on death of said Smt. Hanumakka W/o. Ayyappa, the same was intimated to the Respondent, but the Respondent has not entered the date of death of Smt. Hanumakka W/o. Ayyappa, in the concerned records.

12. The Petitioners have arrayed the respondent Commissioner, City Municipality, Bhadravathi who is also the Registrar of Births and Deaths, as party in the petition and further have taken paper publications. It is further the case of the Petitioners' that, when they approached the respondent seeking issuance of death certificate of Smt. Hanumakka W/o. Ayyappa, the respondent has issued non availability certificate stating that, the date of death of said Smt. Hanumakka W/o. Ayyappa, is not registered and the said fact could be made out on perusal of Ex.P1.

13. The Petitioners have produced all documents which are the certificate of genealogical tree and non-availability certificate issued by the respondent to prove their case under Section 13(3) of Registration of Births and Deaths Act and under Rule (3) of Karnataka Registration of Births and Death Rules 1999.

14. Further, the petitioners have got published the notice in Two news papers, which are widely circulated in the area namely Bhadravahini and Bhuvanavarthe, which are marked at Exs.P9(a) and 10(a). In spite of taking the paper publications, none appeared and filed objections to the said petition.

15. Inquiry is duly held and on inquiry, it is found that, the

petitioners require the death certificate of Smt. Hanumakka W/o. Ayyappa, for the purpose of producing the same before proper forum. In this regard, this Court is of the considered view that, the petitioners have made out grounds stated in the case of **Smt. Muniyamma and Others V/s. Devegowda and others** reported in **ILR 2013 Kar 4703**. The ratio laid down in the above referred case is complied by the petitioners. Thus, this Court is of the considered view that, the petitioners have proved the death of Smt. Hanumakka W/o. Ayyappa. Hence, point No.1 is answered in the **Affirmative**.

16. Point No.2:- For discussion on point No.1, following order is passed.

ORDER

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

The Respondent is hereby directed to enter the date of death of **Smt. Hanumakka W/o. Ayyappa**, who has expired on **14.08.1977** at Uppar Street, Old Town, Bhadravathi Town in the concerned register after the petitioners deposit the requisite fee if any and issue the death extract to that effect in favour of the petitioners'.

The said entry shall not be the conclusive proof of death and in case of any dispute existing on death, the entries shall be subject to proof.

(Dictated to the Stenographer directly on computer, typed by him, corrected by me and then pronounced in the open court on this the 9th day of June, 2026)

(Smt. Chethana)
II Addl. Civil Judge & JMFC,
Bhadravathi

Annexure

1. Witness examined for petitioner:-

PW.1 : G. H. Nagesh

2. Ex.Documents marked for the petitioner:-

Ex.P.1 : Non-availability certificate
EX.P.2 : Notarized copy of Genealogical tree
Ex.P3 to 8 : Notarized copies of Aadhaar cards of petitioners
Exs.P9 & 10: News papers in Bhadravahini and
Bhuvanavarthe
Exs.P9(a)
& 10(a) : Paper publications done in Exs.P9 and 10
Ex.P.11
to 15 : Notarized copy of death certificates

3. Witness/Ex.documents marked for the respondent:-

- Nil -

(Smt. Chethana)
II Addl. Civil Judge & JMFC,
Bhadravathi