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**IN THE COURT OF I ADDITIONAL CIVIL JUDGE AND
JMFC, BHADRAVATHI**

:Present:

**Smt. Nasira Banu, B.A., (Law), LLB.
I Addl. Civil Judge and J.M.F.C.,
Bhadravathi.**

CRIMINAL MISC.NO.256/2026

Dated on this 9th day of June, 2026

- PETITIONER:**
1. Hanumanthappa
S/o Late Mariyappa,
Aged about 60 years,
R/at Thattehalli Camp,
Bedarabeedi, Holehonnur Hobli,
Bhadravathi Taluk.
 2. Smt Rathnamma W/o Shivaji,
Aged about 61 years,
R/at Anekal Extension,
Balakade Kere Beedi,
Sasvehalli Hobli, Honnali Taluk.

(By Smt. S.S., Adv.,)

V/s

RESPONDENT: The Tahasildar,
The Registrar of Births and Deaths,
Bhadravathi.

(Exparte)

ORDER ON MAIN PETITION

The petitioners have filed this petition with prayer to direct the respondent to enter the date of the death of 1st petitioner's grand mother and 2nd petitioner's mother by name Tholachamma W/o late Anchera Hanumanthappa as 10.05.1945 and to issue death certificate.

2. **The brief facts of the case of the petitioners is as under:**

a. The petitioner No.1 is the grand son and petitioner no.2 is the daughter of deceased Tholachamma W/o late Anchera Hanumanthappa. The said Tholachamma was died on 10.05.1945 at 1st petitioner's house situated at Thattehali camp, Holehonnur Hobli, Kallihal Post, Bhadravathi Taluk. At the time of death of the Tholachamma, it is informed to enter the particulars of death of Tholachamma in the concerned office. The petitioners were under impression date of death of Tholachamma is entered in the concerned register maintained by the respondent.

b. The petitioners have applied application for obtaining the death certificate of Tholachamma in the office of the respondent, for which respondent had issued non-availability certificate on 03.06.2026 stating that death particulars of Tholachamma is not registered in the concerned death register. Therefore, petitioners filed the present application to direct the

respondent to enter the death particulars of Tholachamma in the concerned register.

3. In spite of service of the notice to the respondent, the respondent remained absent and hence placed exparte.

4. In order to prove their case, the petitioner No.1 got examined himself as PW1 and got marked 09 documents as Ex.P.1 to Ex.P.9 and closed their side of evidence.

5. Thereafter, this Court heard the arguments of petitioner's counsel and perused the entire records, in the facts and circumstances of the case.

POINTS

- 1. Whether the petitioners are entitled for the relief sought for?*
- 2. What order?*

6. The points under consideration is answered as under:

Point No.1: In the Affirmative.

Point No.2: As per the final order,

for the following:

REASONS

7. **Point No.1:** As could be seen from the averments made in the petition, the petitioner seeking direction to the respondent to enter the

death particulars of 1st petitioner's grand mother and 2nd petitioner's mother by name Tholachamma in the concerned death register maintained by the respondent and for issuance of death certificate of Tholachamma. In order to prove their case, the petitioner No.1 himself got examined as PW.1 by submitting his affidavit in lieu of examination in chief, wherein he reiterated the averments made in the petition and in support of said evidence, he got marked 05 documents as Ex.P1 to Ex.P9. Ex.P1 is Non-availability certificate dated 03.03.2026, Ex.P2 is the original Genealogical tree, Ex.P3 is the copy of Aadhar card of petitioner No.1, Ex.P4 is the copy of death certificate of Hanumanthappa, Ex.P5 is the copy of death certificate of Mariyappa, Ex.P6 is the death certificate of Sulochanamma, Ex.P7 is the death certificate of Chandrappa, Ex.P8 and P9 are the paper publications. The evidence of the petitioner remained unchallenged as the respondent has not participated in the present proceedings. Further, in Ex.P1 which is the non-availability certificate dated 03.03.2026 reveals that the date of death of the Tholachamma is not entered in the concerned register. Ex.P2 show that the petitioner No.1 is the grand son and petitioner No.2 is the daughter of Tholachamma. Ex.P3 shows that petitioner No.1 is the son of late Mariyappa. Ex.P8 and 9 are the paper

publications. No objectors are appeared opposing the petition and contentions of petitioners, inspite of issuance of paper publications in two daily news papers as per Ex.P8 and 9. Hence, it is clear that the date of death of particular of Tholachamma is not entered in the concerned register. The respondent did not choose to contest the petition by filing the objections, therefore there is no reason to disbelieve the evidence given by the petitioners.

8. Without material to the contrary there is no reason to disbelieve the evidence placed by the petitioners. Hence, this Court is of the opinion that the petitioners have made out sufficient grounds to allow the petition. Hence, point No.1 is answered in the ***Affirmative***.

9. **Point No.2:-** For the foregoing reasons, this court proceeds to pass the following:

ORDER

The petition filed under Section 13(3) of Registration of Births and Deaths Act 1969 by the petitioner is hereby allowed.

The Respondent, Births and Deaths Registrar, Bhadravathi is hereby directed to enter the death particulars of “Tholachamma W/o late

Anchera Hanumanthappa as 10.05.1945 at the house of petitioner No.1 situated at Thattehali camp, Holehonnur Hobli, Kallihal Post, Bhadravathi Taluk” in the concerned records and issue a death certificate to the petitioners after collecting necessary fee.

This order 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 typed by her, taken print out, corrected, signed and then pronounced by me in open court on this 9th day of June, 2026)

(Nasira Banu)

I Addl. Civil Judge & JMFC,
Bhadravathi.

ANNEXURE

Witnesses examined on behalf of petitioner side:-

PW-1 : Hanumanthappa

Exhibits marked on behalf of petitioner side:-

Ex.P1 : Non-availability certificate.

Ex.P2 : Genealogical tree of petitioner's family.

Ex.P3 : Copy of Aadhar card of petitioner No.1.

Ex.P.4 to 7 : Death certificates

Ex.P8 & 9 : Paper publications.

Witnesses examined on behalf of respondent side:-

- Nil -

Exhibits marked on behalf of respondent side:-

- Nil -

**I Addl. Civil Judge and JMFC,
Bhadravathi.**

Petitioner present files affidavit in lieu of examination in chief. Examined as PW.1. Ex.P1 to Ex.P9 are marked. Since respondent is expare cross of PW.1 is taken as nil.

Heard.

For orders

Call on 09.06.2026.

I Addl. Civil Judge and JMFC,
Bhadravathi.