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**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE
AND J.M.F.C., SHIKARIPURA.**

PRESENT

SMT. RASHMI S., B.A.L., LL.B., M.A.
PRL. CIVIL JUDGE AND JMFC,
SHIKARIPURA.

DATED THIS THE 24nd DAY OF JUNE 2026

Crl.Misc.93/2026

Petitioner : Rathnamma W/o D Halappa,
aged about 60 years,
R/o Bannur village,
Shikaripura Taluk,
Shivamogga District.

(By Sri. RDM.,Adv.)

V/s

Respondent : The Tahasildar
The Registrar of Birth and Deaths,
Shikaripura.

(Ex-parte)

ORDER

The Petitioners have filed this Petition Under Section 13(3) of Registration of Births and Deaths Act, 1969 seeking direction to the Respondent to enter the event of death of **Dyavappa S/o Dyavappa** the Father-in-law of Petitioner, who died on **20.05.1978** in the house at Bannuru village, Shikaripura Taluk in the register of births and deaths.

2. In the Petition, the Petitioners have stated that **Dyavappa S/o Dyavappa** the Father-in-law of Petitioner died on **20.05.1978** in the house at Bannuru village, Shikaripura Taluk. The Petitioners have gave an application to issue death certificate of **Dyavappa S/o Dyavappa**. But the Respondent had issued Non-availability Certificate on 05.01.2026 stating that no entry is made in the register. It is further stated that the death certificate of **Dyavappa S/o Dyavappa** is now required by the Petitioners to get change the katha of the properties and also to obtain Genealogical Tree. Hence, the Petitioner has prayed to issue direction as sought for in the petition and issue death certificate.

3. On service of petition notice, the Respondent has remained absent. Hence, the Respondent has been placed Ex-parte. Further, the Petitioner duly complied the orders of this Court by publishing the public notice in two daily newspapers. Even after publication no one appeared before the Court and hence the case was posted for recording of Petitioners evidence.

4. The following points that arise for the consideration of this Court are:

1. *Whether the Petitioner has made out sufficient grounds to issue directions as sought for in the petition?*
2. *What Order?*

5. The Petitioners in support of their case, Petitioner examined as PW-1 and relied on the documents which are marked as Exhibits P-1 to P-4.

6. Heard the arguments of learned counsel for the Petitioners and perused the materials on record.

7. The findings of this Court 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:** In support of their case, the Petitioner No.8 has filed affidavit evidence in lieu of her examination-in-chief as PW-1. In her evidence, she has stated that **Dyavappa S/o Dyavappa** the Father-in-law of Petitioner, died on **20.05.1978** in the house at Bannuru village, Shikaripura Taluk. The Petitioner

has gave an application to issue death certificate of **Dyavappa S/o Dyavappa**, but the Respondent had not entered the death date instead has issued Non-availability Certificate on 06.01.2026 at Ex.P-1, which discloses that the date of death of the said **Dyavappa S/o Dyavappa** is not registered in the register maintained by the Respondent. Ex.P2 is the Notarized copy of Aadhar Card. The Petitioner has also produced two newspaper publications i.e., Bellary Belagayithu dated 19.02.2026 and Chaladanka Malla dated 18.02.2026 at Ex.P-3 and Ex.P-4. The death certificate of **Dyavappa S/o Dyavappa** is now required by the Petitioners to get change the katha of properties and also to obtain Genealogical Tree. In spite of receipt of notice, Respondent did not appear before the Court. The evidence of P.W.1 has remained unchallenged and unrebutted by the Respondent without undergoing the test of the cross-examination. Hence, this Court is of the opinion that the Petitioners have established that **Dyavappa S/o Dyavappa** died on **20.05.1978** and they are entitled for the relief as sought for. The relief granted to the Petitioners under summary enquiry is for limited purpose. The death certificate to be issued shall not construe as conclusive proof of death. With these observations, this Court has answered Point No.1 in the **Affirmative**.

9. Point No.2: For the aforesaid discussions on Point No.1, this Court proceeds to pass the following:

ORDER

The Petition filed Under Section 13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

The Respondent is hereby directed to enter the date of death of the **Dyavappa S/o Dyavappa** the Father-in-law of Petitioner, died on **20.05.1978** in the house at Bannuru village, Shikaripura Taluk in the relevant registers maintained by the Respondent after collecting necessary fee if any and issue death certificate to the Petitioners.

The office is hereby directed to return original documents to the Petitioners if any.

(Orders dictated to the Stenographer direct on computer by her, revised, corrected and then pronounced by me in the open Court on this the 24nd day of June, 2026).

(RASHMI S.)
Prl. Civil Judge & JMFC.,
Shikaripura.

ANNEXURE**I. List of witnesses examined by Petitioner/s:**

PW1 : Rathnamma

II. List of documents exhibited by Petitioner/s:

- Ex.P1 : Non Availability Certificate.
Ex.P4 : Notarized copy of Aadhar Card.
Ex.P3 : Bellary Belagayithu Newspaper.
Ex.P3(a) : Portion of paper publication.
Ex.P4 : Chaldanka Malla Newspaper.
Ex.P5(a) : Portion of paper publication.

(RASHMI S.)
Prl. Civil Judge & JMFC.,
Shikaripura.

*(Order is pronounced in the open Court
vide separate Order passed)*

ORDER

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(RASHMI S.)
Prl. Civil Judge & JMFC.,
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