

KASM630005582025



Presented on : 03-05-2025

Registered on : 03-05-2025

Decided on : 09-06-2026

Duration : 01 year, 01 month, 06 days

**IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC
SAGARA.**

: PRESENT:

**Smt. Chandini G.U.,
B.A.,LL.B,**

Addl. Civil Judge & JMFC, Sagara.

Criminal Misc. No.47/2025

Dated this 9th day of June 2026

PETITIONERS:

1.Manjappa S/o Kariyappa
Aged about 60 years
R/o Shiruvala
Sagara Taluk, Shivamogga.

2.Halappa S/o Kariyappa
Aged about 57 years,
R/o Shiruvala
Sagara Taluk, Shivamogga.

3.Nagarathna W/o Shakarappa,
Aged about 55 years,
R/o Nedaravalli Grama
Anandapura Hobli
Sagara Taluk, Shivamogga.

4.Parameshwara S/o Kariyappa,
Aged about 51 years,
R/o Shiruvala
Sagara Taluk, Shivamogga.

5.Somappa S/o Kariyappa,
Aged about 51 years,
R/o Shiruvala
Sagara Taluk, Shivamogga.

- **Versus** -

RESPONDENT:

The Registrar of Birth & Death
The Deputy Tahasildar, Nadakacheri,
Talaguppa, Sagar Taluk
Sagar.

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**By Sri. KHK., Adv for petitioner
Respondent-Exparte.**

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ORDER

This is a petition filed by the petitioner U/Sec.13(3) of Birth and Death Registration Act 1969 seeking for direction to the respondent to enter the date of death of petitioner's grand-father by name Midacha Nayak S/o Kariyappa, who died on 05.04.1970 at Shiruvala, Sagara Taluk, Shivamogga District.

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

In this case petitioner contended that, their grand-father was died on 05.04.1970 at Shiruvala Village,

Sagara Taluk, Shivamogga District. The petitioners have intimated regarding date of death of their grand-father to the respondent office. But registration authority has not registered the same in the records. The petitioners applied for death certificate of their grand-father to respondent office, but respondent office issued non availability certificate. The petitioners are in need of their grand-father death certificate for transfer of properties khatha and for legal necessities. Hence, they constrained to approach this court for necessary relief.

3. In response to the notice issued by this court, respondent did not appear before the court and was placed exparte.

4. In order to prove the case of petitioners, petitioner No.1 examined himself as PW.1 and placed his reliance on the document marked at Ex.P.1 to 5 and closed his side.

5. Heard the argument of counsel for petitioners. Perused records.

6. The points that arise for my consideration are as under:

- 1) Whether the petitioners have made out sufficient grounds to allow the petition?
- 2) What order?

7. My findings on the above points are as under:

Point No.1: In the Affirmative.

Point No.2: As per final order for the following:

R E A S O N S

8. **Point No.1:** The petitioner No.1 is examined before this court as PW.1 by filing his affidavit as examination-in-chief and reiterated all the petition averments. He has also got marked Ex.P.1 which is non availability certificate issued by respondent office stating that date of death of petitioner's grand-father

has not been entered in the death register maintained by respondent office and also got marked. Ex.P.2 is the mahazar issued by the Village Accountant. Ex.P3 & 4 are Paper publications. Ex.P.5 is the Death certificate of petitioner's father. The petitioner No.1 stated that, his grand-father death certificate is required for transfer of properties khatha and for legal necessities. Moreover, in this case petitioner No.1 stated that his grand-father was died on 05.04.1970 at Shiruvala Village, Sagara Taluk, Shivamogga District. As there is no representation by respondent, there is no contra evidence to disbelieve the documentary evidence of Petitioner. Now a days death certificate is much essential for documentation and for other purposes. In the interest of justice and equity, this court is of the opinion that petitioners have made-out sufficient grounds to allow the petition. Accordingly, I have answered the point No.1 in the Affirmative.

9. **Point No.2:** For the foregoing reasons, I proceed to pass the following:

ORDER

The petition filed by the petitioners U/s.13(3) of Birth and Death Registration Act is hereby allowed.

The respondent is hereby directed to enter the date of death of petitioner's grand-father by name Midacha Nayak S/o Kariyappa, who died on 05.04.1970 at Shiruvala Village, Sagara Taluk, Shivamogga District, after collecting necessary fees as required under law.

(Dictated to the stenographer directly on computer and typed by him, corrected and then pronounced in the open court by me on this 09.06.2026)

**(Chandini G.U.)
Addl. Civil Judge & JMFC,
Sagara.**

ANNEXURE**List of witnesses examined for petitioners:**

PW.1 : Manjappa

**List of documents marked on behalf of
petitioners:**

Ex.P.1 Non-Availability Certificate

Ex.P.2 Mahazar issued by Village Accountant.

Ex.P.3 & 4 Paper publications.

Ex.P.5 Death certificate of petitioner's father.

List of witnesses & documents marked for respondent:

- Nil -

**Addl. Civil Judge & JMFC,
Sagara.**