

**IN THE COURT OF ADDL. CIVIL JUDGE AND JMFC,
AT SORABA**

: P R E S E N T :

**SRI.RAJU K SHEDBALKAR,
B.Com., LL.B.,**

C/C ADDL. CIVIL JUDGE AND JMFC,
SORABA.

DATED THIS THE 1st DAY OF JULY, 2026

Crl. Misc. No.58/2026

- PETITIONERS:-**
1. Sannaningavva W/o Yallappa,
Aged about 48 Years,
R/o Kachavi village,
Jade Hobli, Soraba Taluk.
 2. Nagamma W/o Lokappa,
Aged about 75 Years,
R/o Kamaruru village,
Jade Hobli, Soraba Taluk.
 3. Dharmappa S/o Keriappa,
Aged about 65 Years,
R/o Kodikoppa village,
Jade Hobli, Soraba Taluk.
 4. Karevva Shekhappa Kachavi
W/o Shekhappa,
Aged about 60 Years,
R/o Malagi village,
Mundod Taluk.
 5. Rathnamma W/o Basavanthappa,
Aged about 50 Years,
R/o Nadahalli village,
Soraba Town, Soraba Taluk.

6. Jagadisha S/o Lokappa,
Aged about 40 Years,
R/o Kamaruru village,
Jade Hobli, Soraba Taluk.

7. Malatesha S/o Lokappa,
Aged about 32 Years,
R/o Kamaruru village,
Jade Hobli, Soraba Taluk.

(Reptd. by M.C.B., Advocate)

// VERSUS //

RESPONDENT:- The Thashildar, Sorab,
Tal: Sorab. Dist: Shivamogga.

(Ex-Parte)

:: O R D E R ::

The present petition is filed by the petitioners seeking direction of the court to the respondent to enter the date of death Keriappa S/o Gutamma who was died on 05.10.2003 in the death register maintained by the respondent.

2. It is stated in the petition as follow:-

The father-in-law of petitioner No.2 and father of petitioners No.1, 3 to 7 by name Keriappa S/o Gutamma, died on 05.10.2003. It is submitted that the intimation as to the death Keriappa S/o Gutamma has been given to respondent but when an application was filed to obtain death certificate

Keriyappa S/o Guttyamma it was informed that same has not been registered in the concerned register maintained by the respondent as such respondent issued non availability certificate. The petitioners required death certificate Keriyappa S/o Guttyamma to change the Khatha. Hence, petitioners prayed for allow the petition.

3. The respondent remained absent inspite of service of notice. Hence, respondent placed exparte.

4. Petitioner No.1 got examined herself as PW.1 and got marked 4 documents as Ex.P.1 to 4 and closed their side evidence.

5. Heard counsel for the petitioners.

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

: POINTS:

1. Whether it is necessary to issue direction to the respondent to enter the date of death Keriyappa S/o Guttyamma?

2. What order?

7. The findings on the above points are as under:-

Point No.1: In the **Affirmative.**

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

: REASONS :

8. **Point No.1:** In order to prove the case of the petitioners, petitioner No.1 got examined herself as P.W.1 and by filing chief examination affidavit. In the chief examination affidavit of PW-1, it is stated that Keriappa S/o Gutamma, died on 05.10.2003. It is further deposed that the factum of death Keriappa S/o Gutamma has been intimated to the respondent orally but respondent failed to enter the same in the concerned register. It is further stated by PW.1 that when the petitioners have applied for the death certificate Keriappa S/o Gutamma the respondent issued non-availability certificate as per Ex.P.1 stating there is no entry of death Keriappa S/o Gutamma in the concerned register maintained by the respondent. It is further deposed that petitioners required death certificate Keriappa S/o Gutamma to change Khath extract.

9. On perusal of Ex.P.1 it reveals that, the date of death of Keriappa S/o Gutamma has not been entered by respondent in the concerned Register. Ex.P.2 is the Adhar Card. The petitioners have also produced paper publication made by the petitioner about filing of this petition. The paper publication has been marked as Ex.P.3 and 4, nobody have come before the court to object the petition.

10. The Respondent remained absent. As such respondent has been placed exparte. The evidence of PW.1 and Ex.P.1 to 4 documents remained unchallenged and in such circumstances, there is no reason to disbelieve the version of

PW.1. Further Section 13 (3) of The Registration Birth And Death Acts 1969 authorizes the court to pass an order to register birth or deaths, which has not been registered within one year of its occurrence, after verifying the correctness of the birth or death. Therefore, under the fact and circumstance of present case it is necessary to answer Point No.1 in **Affirmative**.

11. **Point No.2:** In view of the reasons discussed above, this court proceeds to pass the following:-

::ORDER::

The petition filed by the petitioners U/Sec.13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

Consequently, the respondent is hereby directed to register the date of death Keriappa S/o Gutamma as 05.10.2003 in the Death Register and issue certified copy of the same to the petitioners.

The petitioners shall pay necessary fee for the same.

(Dictated to the Stenographer, on computerized by her, transcript corrected and pronounced by me in the open court on this 1st day of July, 2026.)

(RAJU K SHEDBALKAR)
C/C I Addl. Civil Judge & J.M.F.C,
Soraba.

ANNEXURE

1. LIST OF WITNESSES EXAMINED BY THE PETITIONER:

PW-1 : Sannaningavva W/o Yallappa.

2. LIST OF DOCUMENTS MARKED BY THE PETITIONER:

Ex.P-1 : Non-availability Certificate.

Ex.P-2 : Adhar Card.

Ex.P-3 & 4 : Paper publications.

3. LIST OF WITNESSES EXAMINED BY THE RESPONDENT:

NIL

4. LIST OF DOCUMENTS MARKED BY THE RESPONDENT:

NIL

(RAJU K. SHEDBALKAR)
C/C I Addl. Civil Judge & J.M.F.C.,
Soraba.

(Order pronounced in the open court,
vide detailed separate order)

ORDER

The petition filed by the petitioners U/Sec.13(3) of the Registration of Births and Deaths Act, 1969 is hereby allowed.

Consequently, the respondent is hereby directed to register the date of death Keriappa S/o Gutamma as 05.10.2003 in the Death Register and issue certified copy of the same to the petitioners.

The petitioners shall pay necessary fee for the same.

**C/C I ACJ and JMFC.,
Soraba.**