

IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC, C.N.HALLI
C.MISC. NO.395/2025

Present: Sri. Yashwanth Kumar K., B.A., LL.B.,
Prl. Civil Judge and J.M.F.C.,
Chikkanayakanahalli.

Dated this 30th Day of July, 2025

PETITIONERS :

1. Shadakshari H.M.
S/o Mahadevaiah
A/a 42 years
2. Pradeepkumar H.M.
S/o Rangappa
A/a 39 years
1st and 2nd petitioner are R/at
Hesarahalli Village, Shettikere
Hobli, C.N.Halli Taluk, Tumkur
District
3. Govindaiah
S/o Channaveeraiah
A/a 52 years
R/o Kibbanahalli Village,
Kibbanahalli Hobli, Tiptur Taluk,
Tumkur District.
4. Renukamma
W/o Ugrappa
A/a 60 years
R/at Naduvanahalli Village,
Shettikere Hobli, C.N.Halli
Taluk, Tumkur District
5. Kalavathi
W/o Jayanna
A/a 58 years
R/o Thekalavatti Village, Mattod
Hobli, Hosadurga Taluk, Tumkur
District.

V/S

RESPONDENT : The Tahsildar
The Registrar of Birth and Death
C.N.Halli Taluk,
Tumkur District.

**ORDER ON PETITION FILED U/S 13(3) OF THE REGISTRATION OF BIRTHS
& DEATHS ACT, 1969**

The Petitioners have filed this instant petition seeking issuance of directions to the Respondent to record the date of death of **Mahadevaiah S/o Ramashetty** who died on **06.04.1998** in **Hesarahalli Village, Shettikere Hobli, C.N.Halli Taluk** and issue death certificate.

It is stated in the petition that deceased is the father of petitioner No.1 and family member of petitioner no.2 to 5. The factum of death of the deceased was orally informed to the Respondent authority due to lack of knowledge and hence the same was not recorded in the concerned register of death. Since the death certificate of the deceased is required for change of revenue records, the Petitioners approached the Respondent to issue the same, however the Respondent issued a Non-availability certificate stating that the record of factum of death of the deceased is not available at the Office of the Respondent. Hence this petition.

Upon filing of this petition, notice was issued to the Respondent Authority, which was duly served, however the Respondent did not appear before this Court and contest the matter, hence was placed exparte. Notice was also issued through paper publication inviting interested parties to raise

objections in respect of the factum of death of the deceased. However, no interested parties appeared before this Court.

Subsequently, the Petitioner No.1 filed affidavit in lieu of examination in chief, got himself examined as PW1 and got marked Ex.P1:Non-availability Certificate, Ex.P2:Mahazar, Ex.P3:G-Tree, Ex.P4:Validation Certificate of G-Tree, Ex.P5:Paper publication in Vijaya Karnataka Kannada daily newspaper and Ex.P6:Notarized True copy of Aadhar card of PW1. PW1 has reiterated the contents of the petition in his examination in chief. As the Respondent did not choose to appear and contest the matter, the evidence of PW1 has remained unchallenged. As also, all the necessary persons are made as parties to this petition, therefore, the directions issued by the Hon'ble High Court in the case of **Smt. Muniyamma & others V/s Devegowda & others** reported in **ILR 2013 KAR 4703** are duly complied.

There is nothing available on record to disbelieve the version stated by the Petitioners on oath. Apart from this, the explanation given by the Petitioner for the prayer sought is also satisfactory. Holding thus the Petitioners are the competent persons to aver regarding the death of the deceased, valid grounds have been made out to issue directions to the Respondent Authority as prayed for in this petition.

Pertinently, the Hon'ble High Court of Karnataka in the case of **H.Subba Rao V/s The Life Insurance Corporation of India, Bangalore & another** has held that an entry in the resister of birth and death is not conclusive evidence of the disputed date of birth or death, so also an entry pursuant to the directions of the Magistrate under Section 13(3). The order of the Magistrate binds only the Registrar and not others. In

view of the aforesaid observations, I proceed to pass the following:

O R D E R

The present petition filed U/s 13(3) of the Registration of Birth & Deaths Act, 1969 is hereby ALLOWED.

The Respondent is hereby directed to register the date of death of **Mahadevaiah S/o Ramashetty** as **06.04.1998** who died in **Hesarahalli Village, Shettikere Hobli, C.N.Halli Taluk** in the concerned register of death and issue death certificate after collecting necessary charges.

Office to issue intimation to the Respondent Authority.

Sd/-

(Yashwanth Kumar K.)
PCJ & JMFC, C.N.Halli

A N N E X U R E

Witnesses examined on behalf of the petitioners:

PW1 : Shadakshari H.M.

Witnesses examined on behalf of the respondent: NIL

Exhibits marked on behalf of the petitioners

Ex.P1	:	Non-availability Certificate
Ex.P2	:	Mahazar
Ex.P3	:	Genealogical Tree
Ex.P4	:	Declaration of Genealogical Tree
Ex.P5	:	Paper Publication
Ex.P6	:	Notarized Aadhar Card of PW1

sd/-

(Yashwanth Kumar K.)
PCJ & JMFC, C.N.Halli

**ORDERS PRONOUNCED IN THE OPEN
COURT VIDE SEPARATE ORDER**

*The present petition
filed U/s 13(3) of the
Registration of Birth &
Deaths Act, 1969 is hereby
ALLOWED.*

*The Respondent is hereby directed to register the date of death of **Mahadevaiah S/o Ramashetty as 06.04.1998 who died in Hesarahalli Village, Shettikere Hobli, C.N.Halli Taluk** in the concerned register of death and issue death certificate after collecting necessary charges.*

Office to issue intimation to the Respondent Authority.

**(Yashwanth Kumar K.)
PCJ & JMFC, C.N.Halli**