



**IN THE COURT OF CIVIL JUDGE AND JUDICIAL MAGISTRATE  
FIRST CLASS, AT KORATAGERE**

Dated this the 24<sup>th</sup> day of August 2026

**PRESENT :**

**SRI. HARISHA K.M.** B.A.. LL.B  
Civil Judge & JMFC,  
Koratagere.

**Criminal Misc. No.15 of 2026**

- Petitioners:**
1. Harish S/o late Hanumanthappa, Aged about 35 years.
  2. Gangamma S/o late Hanumanthappa, Aged about 41 years.
  3. Bhoolakshamma D/o late Hanumanthappa, Aged about 39 years.
  4. Bhooraja S/o late Hanumanthappa, Aged about 37 years. All are R/o. Yadagere Village, Vaddagere Post, Kasaba Hobli, Koratagere Taluk, Tumakuru District.

**(Rep. by Puttaraju.N, Advocate)**

**- Vs -**

**Respondent/s:** The Tahasildar-cum-Registrar of Births and Deaths, Koratagere,  
Koratagere Taluk, Tumakuru District.

**(Ex-parte)**

**ORDER ON PETITION FILED U/Sec.13(3) OF REGISTRATION  
OF BIRTHS AND DEATHS ACT, 1969**

The petitioners have filed this petition against respondent under Section 13(3) of Registration of Births and Deaths Act 1969 for directing



the respondent to enter the date of death of Thimmajamma W/o late Hanumanthappa, who died on 06.07.2010 at Yadagere Village, Kasaba Hobli, Koratagere Taluk, Tumakuru District and to issue death certificate accordingly.

2. The notice has been issued to the respondent. In spite of service of the same, the respondent remained absent and hence, he has been placed *ex parte*.

3. After filing of this petition, order was passed for publishing the petition in newspaper and accordingly, it was published in widely circulated newspaper namely "Vijaya Karnataka" & "Vishwavani", but in spite of due circulation, no objectors appeared before this court.

4. In order to prove their petition, the petitioner No.1 is examined as P.W-1 by way of filing of affidavit and got marked 6 documents at Ex.P-1 to 6 and closed their side evidence.

5. Heard the arguments. Perused the records.

6. On the basis of the materials placed on record, the points that would arise for my consideration are;

i. Whether the petition filed by the petitioners deserves to be allowed ?

ii. What order ?

7. My answer to the above points are as under :

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



Point No.ii : As per final order,  
for the following ;

**REASONS**

**8. POINT No.i :-** The petitioners have filed this petition for directing the respondent to register the date of death of Thimmajamma W/o late Hanumanthappa, who died on 06.07.2010 at Yadagere Village, Kasaba Hobli, Koratagere Taluk, Tumakuru District and issue death certificate in this regard.

**9.** It is the case of the petitioners that, the deceased Thimmajamma W/o late Hanumanthappa, who died on 06.07.2010 at Yadagere Village, Kasaba Hobli, Koratagere Taluk, Tumakuru District was mother of petitioners. Due to lack of legal knowledge, the same has not been intimated to the respondent by the petitioners. Now, the petitioners are required the death certificate of aforesaid person for changing the Khatha of their house/landed properties. Hence, the petitioners have applied for death certificate of aforesaid person before the respondent office. As respondent office found no entry in the concerned register and issued Endorsement/Non Availability Certificate dated 15.11.2025.

**10.** In support of their petition, petitioner No.1 examined himself as PW-1 and reiterated the contents of the petition by way of filing of affidavit and also got marked 6 documents i.e. Non-Availability-Certificate at Ex.P-1. Genealogical tree at Ex.P-2, Notarized Aadhaar card of PW-1 at Ex.P-3, Two paper publications at Ex.P-4 & 5 and



Affidavit at Ex.P-6. As respondent remained absent, placed exparte, the testimony of PW-1 remains unchallenged. The petitioners also carried out public notice by way of paper publications in two daily newspapers on the interested parties from amongst the general public in view of the decision of the Honourable High Court of Karnataka in **Muniyamma v. Devegowda** reported in **ILR 2013 KAR 4703**. Pursuant to the paper publication, no person from the general public appeared before the court to object to the petition.

**11.** It is pertinent to note that in the case of **State of Karnataka v. Annakka** reported in **ILR 2000 KAR 4770**, the Honourable High Court with reference to **section 13 (3) of Registration of Births and Deaths Act. 1969**, has held as follows:

“The policy of the law embodied in the section, as it appears to me, is to avoid manipulation in the entries relating to the date of births and deaths. Such entry shall be made immediately after the occurrence. Precaution should be taken while making delayed entries. The law says that an entry which has not been made within one year of its occurrence cannot be made without an order of the Magistrate. Section 13 (3) of the Act is just a constraint on the Registrar. It is not a provision whereby an aggrieved party could get an adjudication on his disputed date of birth. The order of the Magistrate binds only the Registrar and not others. The entry made by the Registrar pursuant to an order of the Magistrate, cannot carry higher probative value and its proof must necessarily depend upon the facts and circumstances of each case”.

**12.** In the light of the foregoing discussion and law elucidated by the Honourable High Court in the decisions in **State of Karnataka v. Annakka** reported in **ILR 2000 KAR 4770** and in **Muniyamma v.**



**Devegowda** reported in **ILR 2013 KAR 4703** considering the nature and scope of proceedings, on the basis of the evidence discussed herein above, I am satisfied that the averments made in the petition are believable. Therefore, I find no impediment in allowing the petition depending upon the sworn evidence of the PW-1 and the Exhibits P-1 to 6. Accordingly, **point No.i** is answered in the **Affirmative**.

**13. POINT No.ii :-** In view of the above reasons given in the Point No.i, I proceed to pass the following ;

**ORDER**

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

The respondent is hereby directed to register the date of death of Thimmajamma W/o late Hanumanthappa, who died on 06.07.2010 at Yadagere Village, Kasaba Hobli, Koratagere Taluk, Tumakuru District, in the relevant Register maintained in the office and to issue death certificate accordingly after receiving the requisite fee from the petitioners.

(Dictated to the Stenographer, directly computerized by her, corrected, signed by me & then pronounced in the open court on this the **24<sup>th</sup> day of August 2026**)

Sd/-  
(**HARISHA K.M.**)  
Civil Judge & JMFC,  
Koratagere.



**ANNEXURES**

**List of witness examined for Petitioner/s:**

PW-1 : Harish

**List of documents exhibited for Petitioner/s:**

Ex.P.1 : Non availability certificate

Ex.P.2 : Affidavit in respect of Genealogical tree

Ex.P.3 : Notarized Aadhar card of PW-1

Ex.P.4 & 5 : Two Paper publications

Ex.P.6 : Affidavit

**List of witness examined for Respondent/s:**

- Nil -

**List of documents exhibited for Respondent/s:**

- Nil -

Sd/-

Civil Judge & JMFC,  
Koratagere.



**24.08.2026**

Petitioners : by Sri M.N.P, Adv.,  
Respondent : Ex-parte,  
For Orders.

(Vide separate order is pronounced in  
the open court )

**ORDER**

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

The respondent is hereby directed to register the date of death of Thimmajamma W/o late Hanumanthappa, who died on 06.07.2010 at Yadagere Village, Kasaba Hobli, Koratagere Taluk, Tumakuru District in the relevant Register maintained in the office and to issue death certificate accordingly after receiving the requisite fee from the petitioners.

Sd/-

Civil Judge & JMFC,  
Koratagere