



IN THE COURT OF ADDL. CIVIL JUDGE AND JMFC.,

KUNIGAL

Present:

Sri.Manjunath Shivapooji , B.A., L.L.B.,

Addl Civil Judge & JMFC., Kunigal.

Dated: 27th Day of July, 2026

Cri Misc.No. 14/2026

Petitioners :

1. Chandra S/o.Late Huchhappa
Aged about 35 years,
2. Gowramma D/o.Late Huchhappa
Aged about 45 years,
3. Lakkamma
D/o.Late Huchhappa
Aged about 40 years,

All are R/o.Gajanapalya village,
Amruthuru Hobli,
Kunigal Taluk, Tumakuru District.

[Represented by Sri.D.K.H, Advocate]

V/s

Respondent :

The Tahasildar.

Kunigal Taluk, Tumakuru District.

[Exparte]

**::ORDERS::**

This petition is filed by the petitioners under section 13(3) of the Registration of the Birth and Death Act, seeking direction from this Court to direct the respondent to enter the date of death of **Lakshamma W/o. Late Huchhappa** was died on **29.12.2023** at **Gajanapalya village, Amruthuru Hobli, Kunigal Taluk** in the Register maintained by the respondent.

2. Background of the facts in a nutshell as under:

The mother of petitioners by name **Lakshamma W/o. Late Huchhappa** was died on **29.12.2023** at **Gajanapalya village, Amruthuru Hobli, Kunigal Taluk**. The petitioners are not informed the death of said Lakshamma W/o. Late



Huchhappa to the respondent office due to the ignorance of the procedure. It is bonafide mistake not intentional one. Hence, the respondent has issued non availability certificate stating that no entry is available with respect to date of death of the said Lakshamma. Now, the petitioners are in need of the death certificate for change of Katha. Hence, they have filed present petition.

3. On service of summons, the respondent has not appeared before the court and not filed any objections.

4. The petitioners have taken paper publication by publishing the notice in “Vijaya Karnataka” and “Udaya Kala” daily News Papers dated:10.03.2026 calling upon, if any persons have got any objection to petition filed by the petitioners. No persons have appeared nor filed any objections.



5. The petitioners in order to prove the averments of the petition, the petitioner No.1 got examined himself as PW.1 and has reiterated the contents of the petition averments by filing his affidavit in lieu of examination-in-chief and got marked Ex.P1 to 11 documents.

6. Heard the petitioner and perused the materials on record.

7. The following points arise for the determination;

Point No.1: Whether the petitioners have made out sufficient grounds for allowing the petition?

Point No.2: What order?

8. My answer to the above points are under

Point No.1 : In the *Affirmative*

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



::REASONS::

9. Point No.1: It is contended by the petitioners that the deceased **Lakshamma W/o. Late Huchhappa** was died on **29.12.2023** at **Gajanapalya village, Amruthuru Hobli, Kunigal Taluk..** He has further contended that, he was under the impression that, the respondent authority might have entered the death event of the deceased and hence, they have not made any attempt to get the death certificate of the deceased. He further contended that, when petitioners have approached the respondent, the respondent has issued the non-availability certificate by stating that, the date of death of the deceased is not registered. The said non-availability certificate issued by the respondent is marked as Ex.P1. The Ex.P2 is the genealogy certificate, Ex.P3 is the RTC extract, Ex.P4 is the encumbrance certificate, Ex.P5 and 6 are the news papers,



Ex.P7 to 10 are the Aadhar cards, Ex.P11 is the Thithi card. The petitioners have also got substituted the service issued through news paper publication in “Vijaya Karnataka” and “Udaya kala” daily News Papers dated: 10.03.2026. After news paper publication no objections has been received with respect to the said papers publications.

10. It is also trite in a proceedings under section 13(3) of registration of births and deaths Act, court is concerned with the factum of birth or death and date of birth or deaths not relevant. This proposition finds support from the ratio laid down by *Hon'ble High Court of Karnataka in 2000(4) KCCR 2674, State of Karnataka V/s Smt Annakka*, which reads thus,

***“Registration of Births and Deaths Act,
1969-section 13(3)-direction to make an***



***entry in the Birth register by the Magistrate-
Challenged on the ground that except the
statement of applicant on oath, there is no
other materials”.***

Held. The Magistrate in a proceeding under section 13(3) only ascertains the Birth of the child and date is not the material consideration, as such directions bind only the registration office under the Act to make an entry and does not carry higher probative value”.

11. Reverting to the factual matrix of the present case, the petitioner No.1 has stated in his examination-in-chief that deceased Lakshmamma is his mother. The PW.1 has further stated in his examination-in-chief that, the death certificate of the deceased is necessary for the purpose of change of katha. Hence, I am of the opinion that there are no grounds to reject



the petition. Further, in the event of allowing the petition, no other persons will be put into loss or injustice. On the other hand, in the event of rejecting the petition, the petitioners will be put into great hardship and injustice. Under the circumstances, the petition is liable to be allowed. Accordingly, ***point No.1*** is answered in the ***Affirmative***.

12. Point No.2: For the above discussed reasons, this court proceeds to pass the following;

:ORDER::

The petition filed by the petitioners under section 13(3) of the Registration of Births and Deaths Act, is hereby allowed.

The respondent is hereby directed to enter the date of death of deceased by name **Lakshamma W/o. Late**



Huchhappa was died on **29.12.2023**
at **Gajanapalya** **village,**
Amruthuru Hobli, Kunigal Taluk,
in the concerned records and issue
death certificate to the petitioners
after collecting the required fee and
fine.

The said entry shall not be a
conclusive proof of death and if in case
of any dispute there exists on death,
the entries shall be subject to proof.

No order as to costs.

[Dictated to the stenographer directly on computer, typed by her and then corrected
by me and thereafter pronounced in the open court on this the **27th day of July,**
2026]

Sd/-

[Shri.Manjunath Shivapooji]
Addl Civil Judge and JMFC,
Kunigal.



::ANNEXURE::

List of witnesses examined for the petitioners :

PW1 : Chandra

List of documents exhibited for the petitioners :

Ex.P1 : Non-availability certificate
Ex.P2 : Genealogy certificate
Ex.P3 : RTC extract
Ex.P4 : Encumbrance certificate
Ex.P5 & 6 : News papers
Ex.P7 to 10 : Aadhar cards
Ex.P11 : Thithi card

List of witnesses examined for the respondent :

-----NIL-----

List of documents exhibited for the respondent :

-----NIL-----

Sd/-

[Shri.Manjunath Shivapooji]
Addl Civil Judge and JMFC,
Kunigal