



**IN THE COURT OF CIVIL JUDGE AND J.M.F.C.
MUNDGOD**

Present:

Akshatha C.R. B.B.A.,LL.B.(Hons.)

Civil Judge and JMFC, Mundgod.

Dated: 02nd Day of May, 2026

CrI.Misc.No.10/2026

Petitioner:

Krishnappa S/o Ira[[a Talavar,
Aged about 72 years, Occ: Coolie,
R/o: Siddapura, Malagi, Tq: Mundgod,
Dist: Uttara Kannada.

(By Sri.R.M.M./B.D.H. Advocate)

- V/s -

Respondents:

1. Tahasildar,
Birth and Death Registrar,
Mundgod (U.K).
2. The Village Accountant,
Malagi.

(Ex-parte)

-: ORDER:-

This Petition is filed under section 13(3) of the Registration of Births and Deaths Act, 1969 by the Petitioner against the Respondents.



2. The brief facts of the Petitioner's case is as under:

That the mother of petitioner by name "**Smt. Hanmakka W/o Irappa Talavar**" demised on **20-06-1979** at Siddapura, Malagi of Mundgod taluka. As the petitioner was in requirement of her death certificate they applied for the death certificate of deceased person. However, the respondent issued non-availability certificate dated 12-08-2025. Hence, the Petitioner filed this petition seeking the direction to the Respondent to register the date of death of deceased "**Smt. Hanmakka W/o Irappa Talavar**" in the registers maintained by Respondent.

3. This court had issued notice to the respondents, but they remained absent. Hence proceedings were held exparte.

4. In order to prove Petitioner case, the Petitioner examined himself as P.W-1 by filing affidavit in lieu of Examination-in-Chief and Ex.P.1 to Ex.P.4 were marked



on his behalf.

5. Heard arguments of Petitioner. Perused the entire documents available on record. Following points arise for the considerations of this court.

Point No.1 : Whether Petitioner are entitled for the registration of date of death of "**Smt. Hanmakka W/o Irappa Talavar**" in the register maintained by Respondent?

Point No.2 : What order?

6. My answers to the above points are as under:

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

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

REASONS

7. **Point No.1:-** In order to prove the Petitioner case, Petitioner examined himself as P.W-1 by filing affidavit in lieu of Examination-in-Chief and got marked 4 documents as Ex.P.1 to Ex.P.4. So far as **Ex.P.1** is concerned, it is the non availability certificate issued by



the Respondent's office dated 12-08-2025, **Ex.P2** is the original of Aadhar card of petitioner, and **Ex.P3 and Ex.P4** are the two newspaper publications. These documents are not disputed by the Respondent.

8. On perusal of these documents produced by the petitioners, it is quite evident that the mother of petitioner by name "**Smt. Hanmakka W/o Irappa Talavar**" demised on **20-06-1979** at Siddapura, Malagi of Mundgod taluka.

9. However, the Respondents placed ex-parte, the entire evidence available on record remained unchallenged and undisputed.

10. Further it is pertinent to note here, that this Court is relying on reported decision in **ILR 2000 KAR 4770 between State of Karnataka vs. Annakka**, the Hon'ble High Court of Karnataka it was held that with reference to Section 13(3) of Registration of Births and



Deaths Act, 1969:

“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.”

In the light of the foregoing discussion and ratio laid down by the Hon’ble High Court in the case of ***State of Karnataka v. Annakka*** reported in ***ILR 2000 KAR 4770*** considering the nature and scope of proceedings, on the basis of the evidence discussed above, this court opines that the averments made in the petition can be believed. Therefore, this court finds that the petitioners are entitle for the relief



claimed. Henceforth, this petition need to be allowed.

Accordingly, ***Point No.1 is answered Affirmatively.***

11. Point No.2: In view of the above discussion and answering ***Point No.1 Affirmatively,*** this court proceeds to pass the following order :

ORDER

The petition filed under section 13(3) of the Registration of Births and Deaths Act 1969, is hereby allowed.

The Respondent is hereby directed to make proper entries in respect of the date of death of the mother of petitioner by name "**Smt. Hanmakka W/o Irappa Talavar**" demised on **20-06-1979** at Siddapura, Malagi of Mundgod taluka, Uttara Kannada District, in the relevant registers maintained by them by receiving the requisite fee.

Office is directed to issue intimation to Respondent.

*(Dictated to the stenographer directly on computer, corrected, signed and then pronounced in the open Court on this **02th day of May, 2026**)*

(AKSHATHA C.R.),
Civil Judge and
JMFC, Mundgod.

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ANNEXURE

WITNESS EXAMINED FOR THE PLAINTIFF:

P.W.1 : Sri. Krishnappa S/o Irappa Talavar

WITNESS EXAMINED FOR THE DEFENDANT:

- NIL -

DOCUMENTS EXHIBITED FOR THE PLAINTIFF:

Ex.P 1 : Non-availability certificate issued on 12-08-2025

Ex.P 2 : Original of Aadhar card of petitioner

Ex.P 3 & 4 : Two News Paper publications.

DOCUMENTS EXHIBITED FOR THE DEFENDANT:

- NIL -

**CIVIL JUDGE & JMFC,
MUNDGOD.**