

KAUK910001232026



**IN THE COURT OF THE CIVIL JUDGE AND JMFC
AT SIDDAPUR.**

Dated this 29th day of August, 2026.

**Present : Sri HARISHKUMAR. M, B.Com. LL.B.
Civil Judge and JMFC, Siddapur**

Crl.Misc.NO. 07/2026

PETITIONER

Sri. Tirupati Mooka Naik,
Aged about 46 years,
Occ: Agriculturist,
R/at Golagoda,
Akkunji Village,
Akkunji Post,
Siddapur Taluk-581355,
Uttara Kannada District,
Adhar No.2592 5278 7369.

(By R.S.H., Advocate)

V/s.

RESPONDENT/S

1. The Registrar of Births and Deaths,
The Represented by the Tahasildar
Siddapur Taluk,
Uttara Kannada District,
2. The Village Accountant,
Kavanchuru Village,
Kondli Hobli,
Siddapur Taluk,
Uttara Kannada District,



3. Smt. Shashikala,
W/o Anand C.R,
Aged about 54 years,
Occ: Homemaker,
R/at House No.19/1,
Near Government Well,
Chanamavn, Avaraguppa,
Siddapur-581355,
Adhar No.7720 8382 9504.
4. Sri. Ramesh Mooka Naik,
Aged about 48 years,
Occ: Agriculturist,
R/at Golagoda,
Akkunji Village,
Akkunji Post,
Siddapur Taluk-581355,
Adhar No.9129 1484 7988.
(R1 and 2 Rep. by Sri. A.P.P., Siddapur)
(R3 and 4 are Absent)

ORDER

1. The petitioner has filed this petition under the provisions of section 13(3) of the Registration of Births and Deaths Act, seeking direction to the respondent No.1 and 2 to enter the date of death of **Sri. Mooka Rama Naik** who died on 06.10.1979 at Golagoda, Akkunji Village, Siddapur Taluk, Uttara Kannada District.
2. **The case of the petitioner's is as under:-**
The father of petitioner by name **Sri. Mooka Rama Naik** who died on 06.10.1979 at Golagoda, Akkunji Village, Siddapur Taluk, Uttara Kannada District, and the said fact was informed by the petitioner to the concerned



authorities / respondent No.1 & 2. Now, the petitioner is in need of death certificate of **Sri. Mooka Rama Naik** for the purpose of Warsa, and hence, he has given an application before the respondents. But on 13.01.2026, the respondents No.1 & 2 authorities have issued non-availability certificate stating that there is no entry of death of **Sri. Mooka Rama Naik** in the concerned register. Hence, without alternative, the petitioner has filed the present petition praying to issue direction to the respondents No.1 & 2 officials to register the date of death of **Sri. Mooka Rama Naik** as prayed and issued death certificate accordingly.

3. In response to the notice issued by this court, the respondent No.3 and 4 failed to appear before this Court and they have been place absent. Further, the respondents No.1 & 2 appeared before this court through Learned APP and filed objection statement and denied all the petition averments. It is denied their relationship with the said **Sri. Mooka Rama Naik** and also his date of death i.e., 06.10.1979. On all these grounds, the respondents No.1 & 2 prayed for the dismissal of the petition with costs.
4. To prove the case of the petitioner and to substantiate his contention, the petitioner himself examined as PW-1 and got marked ExP-1 to 8 documents. On the other hand, the respondents did not chosen to lead any evidence on their behalf and no documents were marked on behalf of the respondents.



5. I have heard the arguments of both the parties. Perused the oral and documentary evidence on record.
6. The point that would arise for my consideration is as under;

1. Whether the petitioner proved that his father by name Sri. Mooka Rama Naik who died on 06.10.1979 at Golagoda, Akkunji Village, Siddapur Taluk, Uttara Kannada District and whether the petitioner has made out sufficient grounds to allow the petition?

2. What order?

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

Point No.1 : In the Affirmative.

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

REASONS

8. **POINT NO.1:** It has been averred in the petition that, the father of petitioner by name **Sri. Mooka Rama Naik** who died on 06.10.1979 at Golagoda, Akkunji Village, Siddapur Taluk, Uttara Kannada District and the said fact was informed by the petitioner to the concerned authorities / respondents No.1 & 2. Now, the petitioner is in need of death certificate of **Sri. Mooka Rama Naik** for the purpose of warsa, and hence, he has given an application before the respondents No.1 & 2. But on 13.01.2026 the respondents No.1 & 2 authorities have issued non-availability certificate



stating that there is no entry of death of **Sri. Mooka Rama Naik** in the concerned register.

9. To prove the case of the petitioner and to substantiate his contention, the petitioner himself examined as PW-1 and in his evidence, he reiterated the facts stated in the petition and got marked ExP-1 to 8 documents. The ExP-1 is the non-availability certificate dated:13.01.2026, ExP-2 & 3 are paper publication, ExP-4 is the notarized copy of genealogical tree of the family of the petitioner and defendant No.3 & 4, Ex.P-5 is the Adhar Copy of the petitioner, Ex.P6 and P.7 are the Death Certificates and Ex.P.8 is the RTC Extracts standing in the name of the petitioner. On perusal of ExP-1 and evidence, I am satisfied that date of death of **Sri. Mooka Rama Naik** is not entered in the Births and Deaths register of the office of the respondent No.1 & 2 and further, he has also produced paper publications taken in “**HOSADIGANTHA AND JANAMADYAMA**” daily Kannada newspapers”. It can be noticed that the petitioner has complied the dictum as laid down by **Hon’ble High Court of Karnataka in Writ Petition No.50330 to 50334 of 2012(GM-RES) decided on 26.06.2013 in between Muniayamma -V/S-Venkategowda** wherein, it has been held that paper publication in two news papers is must to obtain the death certificate.



10. The oral evidence of the PW-1 corroborate with the documents produced by the petitioner. The petitioner has produced the ExP-4/genealogical tree of their family to show that the petitioner & respondent No.3 & 4 are the legal heir of **Sri. Mooka Rama Naik**, ExP-4 which is the G-tree of the family of the petitioner and respondent No.3 & 4 wherein after close perusal of the same it goes to show that **Sri. Mooka Rama Naik** is the father of the petitioner and respondent No.3 & 4 and hence on close perusal of the said ExP-4 genealogical tree, it can be noticed that the PW-1 is the legal representative of deceased **Sri. Mooka Rama Naik**.
11. The averments made in the petition and the evidence of PW-1 is corroborate with the document produced by the petitioner. ExP-1 is non-availability certificate would indicate that the date of death of **Sri. Mooka Rama Naik** was not registered in the register maintained by the respondents. Further, as per ExP-4 it goes to show that **Sri. Mooka Rama Naik** is the father of the petitioner and respondent No.3 & 4 and hence by virtue of the above said document marked at ExP-4-genealogical tree, it goes to show that the petitioner is the legal heirs of **Sri. Mooka Rama Naik** and hence, there are sufficient grounds to allow the petition. Mere entering the fact of death or birth of any person does not create any right and also does not lose any right in respect of any property. If the date of birth and death of any person is not registered for any reasons, it can't



be denied in getting registration of the same. Therefore, I answer the point for consideration in the Affirmative.

12. **Point No.2:** Based on the observations made in the point No.1, I proceed to pass the following:

ORDER

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

The respondent No.1 is hereby directed to enter the date of death of Sri. Mooka Rama Naik (ಶ್ರೀ ಮೂಕ ರಾಮ ನಾಯ್ಕ) who died on 06.10.1979 at Golagoda, Akkunji Village, Siddapur Taluk, Uttara Kannada District, in the concerned register after receipt of requisite late fee from the petitioner.

(Dictated to the Stenographer directly on Computer and typed by her, corrected and then pronounced by me in open Court on this the 29th day of August-2026.)

29.08.2026
**Civil Judge & JMFC,
Siddapur.**



ANNEXURE TO THE ORDER

List of witness examined on behalf of petitioner:-

PW.1 : Sri. Tirupati Mooka Naik,

List of examined on behalf of respondents:-

-Nil-

List of documents marked on behalf of petitioner:-

ExP-1 : Non-availability certificate dated: 13.01.2026

ExP-2 & 3: Paper publications

ExP-4 : Genealogy Tree

ExP-5 : Adhar copy of the petitioner.

ExP-6 & 7: Death certificates.

ExP-8 : RTC Extracts.

List of witnesses & documents on behalf of respondents:-

-Nil-

29.08.2026.

**Civil Judge & JMFC,
Siddapur.**