



**IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC, AT
KUNDAPURA.**

:Present:

Sri. SHRINIVASA K.R. B.A.L, LL.M.

I Addl. Civil Judge & JMFC,
Kundapura.

Dated this the 15th day of June – 2026

Criminal. Misc.No.50/2026

PETITIONER : Sumathi,
W/o Suresh A.S.
Aged about 54 years,
D/o Late Kamala,
R/o. H.No. 2-40/C Vinayaka,
Vishnu Murthi Nagar, Janatha colony,
Kelarkalabettu, Udupi.

(By Sri/Smt. P.K., Advocate)

// Versus //

RESPONDENTS:-

1. Saraswathi,
D/o. Late Kamala,
W/o. Narayana Gudigar,
Aged about 55 years,
R/o. H.No. 2-187 janatha colony
Vakavadi, Kundapura Taluk.
2. Jayanthi,
D/o. Late Kamala,
W/o. Shivananda Jogi,
Aged about 43 years,
R/o. H.No. 2-1 Near school,
Beejadi Village and Post,
Kundapura Taluk.



3. Mainavathi,
D/o. Late Kamala,
Aged about 40 years,
R/o. H.No. 1-50 Sunitha Nivasa,
Janatha colony, Karamballi,
Manoligujji, VTC: Udupi.
4. The Thahashildar, Taluk Office
Kundapura.

(Ex-parte)

**ORDERS ON PETITION FILED U/S 13 (3) OF REGISTRATION
OF BIRTHS AND DEATHS ACT, 1969**

This petition filed by the petitioner U/Sec. 13(3) of the Karnataka Births and Deaths Registration Act 1969.

2. **Brief facts:** It has been averred in the petition that, the mother of petitioner by name **Kamala**, was died on **18.02.2022** at **Vakavadi Village, Kundapura Taluk**. That, the petitioner approached the respondent No.4 Office for issue of Death Certificate of deceased, but the respondent No.4 Office issued **non-availability certificate**. The petitioner required the Death Certificate of deceased for the purpose of change of Katha. Hence, this petition.

3. Despite of service of notice, the respondents remained absent and placed as Ex-parte.



4. The petitioner examined herself as PW-1 and got marked four documents at Ex.P-1 to Ex.P-4.

5. I have heard the arguments of petitioner counsel and perused the materials available on record.

6. The points arise for my consideration are as under;

**1. Whether the prayer made in the petition
can be granted”?**

2. What order?

7. My answers to the above points are as follows:

POINT No.1: In the **Affirmative**

POINT No.2: as per final order for the following:-

REASONS

8. **Point No.1:-** During the course of arguments the counsel for petitioner reiterated the contents of petition. In support the learned counsel relied on evidence of PW-1 and Ex.P-1 to Ex.P-4 and prayed to allow the application.

9. On perusal PW-1 in her evidence deposed that her mother by name **Kamala, D/o. Narayana Bandi and Sharada** died on **18.02.2022** and further reiterated contents of petition. In



addition to PW-1 has produced non-availability certificate at Ex.P-1, Ex.P-2 to 4 are certified copy of Aadhaar Card of petitioner and Paper Publications.

10. The PW-1 has taken News Paper publications as per Ex.P-3 and 4 by which filing of petition brought to the notice of entire public, but none appeared in pursuance of said paper publications. From the evidence of PW-1 and Exhibits it appears that, deceased was mother of petitioner, who died on **18.02.2022**. The date of death of deceased is not entered in to respondent No.4's office due to reasons best known to them. Therefore, there appears to be truth in the story of petitioner.

11. Hence, on perusal of Ex.P-1 and evidence, I am satisfied that there is no entry of death date of deceased in the respondent No.4's Office. **Further, since the date of death is claimed as 18.02.2022, as per the Evidence Act presumption is liable to drawn.** Further, nothing contrary produced either by the respondents nor by the person interested, though petitioner has taken paper publications.

12. Therefore, it is necessary to direct the respondents to issue the death Certificate of deceased **Kamala, D/o. Narayana**



Crl.Misc.No.50/2026(Or.)

Bandi and Sharada, W/o Rama Gudigara. If the petition is allowed it binds only respondents and no others. However, the said order is not conclusive proof of death of deceased, if the fact of death is disputed either in any civil or criminal disputes. With these observations, I answer the Point No.1 in the **Affirmative.**

13. **Point No.2:-** For the aforesaid reasons, I proceed to pass the following:-

ORDER

The petition filed by the petitioner U/Sec. 13 (3) of Registration of Births and Deaths Act, is hereby allowed.

Consequently, the respondent No.4 is hereby directed to enter the date of death of the petitioner's mother namely, **Kamala, D/o. Narayana Bandi and Sharada, W/o Rama Gudigara, as 18.02.2022** on payment of requisite late fee.

(Directly dictated to the Stenographer on Computer and typed by her, corrected and then pronounced by me in open court on this the **15th day of June, 2026.**)

(Sri.SHRINIVASA K.R.)
I Addl. Civil Judge & JMFC,
Kundapura.

ANNEXURE

List of witness examined on behalf of petitioner:

PW.1 : Sumathi,

List of documents marked on behalf of petitioner:



Crl.Misc.No.50/2026(Or.)

Ex.P.1 : Non availability certificate
Ex.P.2 : Certified copy of Aadhaar card of PW.1
Ex.P.3 & 4 : Paper Publications.

List of examined on behalf of respondent:

-NIL-

List of witnesses & documents on behalf of respondent:

-NIL-

**I Addl. Civil Judge & JMFC,
Kundapura.**



Order pronounced in the Open Court

{Vide Separate Order}

O R D E R

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**I Addl. Civil Judge & JMFC,
Kundapura.**