

KABK410029972025



Presented on : 16-09-2025
Registered on : 16-09-2025
Decided on : 17-01-2026
Duration : 00 years, 04 months, 01 day

**IN THE COURT OF ADDITIONAL CIVIL JUDGE & JMFC
BADAMI, SITTING AT ITINERARY COURT, KERUR**

**Present: Sri Harish Jadhav,
B.Com., LL.B.(Spl), LLM
Principal Civil Judge & JMFC Badami
C/c Additional Civil Judge & JMFC Badami
Sitting at Itinerary Court, Kerur**

Crl.Misc. No.665/2025

Dated this 17th day of January-2026

PETITIONERS:

1. Sri Duragappa
S/o. Rangavva Madar,
Age: 48 years,
Occ: Agriculture,
2. Sri Havaleppa
S/o. Duragavva Madar,
Age: 22 years,
Occ: Agriculture,

3. Sri Anand
S/o. Duragavva Madar,
Age: 19 years, Occ: Education,

R/o. Hosakoti, Tq: Badami,
Dist: Bagalkot.

(By Sri S.H.N., Advocate)

//Versus//

RESPONDENT:

1. The Tahasildar, Badami and
Registrar of Birth and Death,
Badami.

(Exparte)

O R D E R

It is the petition filed under Section 13(3) and 9(3) of the Register of Birth and Death Act, 1969.

2. The petitioners have filed this petition to enter the date of death of grandmother of petitioner No.1 and great-grandmother of petitioner No.2 and 3 by name **Smt. Tulasavva W/o. Hebballeppa Madar** who died on **20.04.2012** at Hosakoti village of Badami taluka at her residence. The fact of date of death of grandmother of

petitioner No.1 and great-grandmother petitioner No.2 and 3 was not entered in the death register maintained by the respondent office. Despite due diligence by the petitioners the date of death of grandmother of petitioner No.1 and great-grandmother of petitioner No.2 and 3 was not reported to respondent authority to enter the date of death in the register maintained under the Birth and Death Registration Act. Hence, the petitioners have applied for death certificate of grandmother of petitioner No.1 and great-grandmother petitioner No.2 and 3. But the respondent authority issued Non-availability certificate on 01.09.2025 stating that the entry regarding date of death is not available in their register. In order to obtain death certificate petitioners constrained to file this petition.

3. In spite of service of notice, the respondent authority was absent, hence placed ex parte. The matter was posted for enquiry. The petitioner No.1 got himself examined as PW.1 by filing his examination-in-chief

affidavit and got marked five documents as Ex.P.1 to Ex.P.5.

4. Heard the arguments of learned counsel for the petitioner.

5. Following points arises for my consideration:

P O I N T S

1. Whether the petitioners prove that grandmother of petitioner No.1 and great-grandmother petitioner No.2 and 3 by name **Smt. Tulasavva W/o. Hebballeppa Madar** died on **20.04.2012**?
2. Whether the petitioners have made out sufficient grounds to allow this petition?
3. What order?

6. My findings to the above points are as below :

Point No.1 & 2 : In the Affirmative

Point No.3 : As per final order
for the following;

REASONS

7. **Point No.1 and 2** : In order to prove the contents of petition, the petitioner No.1 himself examined as PW.1 and got marked non availability certificate as Ex.P.1, Ex.P.2 is genealogy belongs to petitioners' family, Ex.P.3 is Aadhar card of the petitioner No.1, Ex.P.4 and 5 are the paper publications. In the examination-in-chief affidavit, PW.1 has reiterated the averments of the petition. The respondent has not cross-examined PW-1 as respondent placed exparte. Hence, the sole testimony of PW.1 is remained unchallenged.

8. On perusal of Ex.P.1 the Non availability certificate issued by the respondent-authority shows that on the above said date there is no such death entry of grandmother of PW.1 in the register maintained by the respondent-authority, Ex.P.2 is genealogy belongs to petitioners' family, Ex.P.3 is Aadhar card of the petitioner No.1, Ex.P.4 and 5 are papers published by

the petitioners in “Vishwas” and “Kasturi Vani” Kannada daily newspapers shows that, the death of said Smt. Tulasavva W/o. Hebballeppa Madar is dated 20.04.2012, Ex.P.4 and 5 are the paper publications in respect of date of death of Smt. Tulasavva W/o. Hebballeppa Madar and despite the paper publication no rival claim disputing the date of death of the Smt. Tulasavva W/o. Hebballeppa Madar came before the Court. The oral evidence of PW.1 and the documentary evidence clearly shows that the grandmother of PW.1 was died on 20.04.2012 and there is no rival claim against the death of said Smt. Tulasavva W/o. Hebballeppa Madar in her family members have no knowledge to intimate regarding date of death in the office of respondent authority. Hence, it is necessary to direct the respondent authority to make out entry of date of death of grandmother of petitioner No.1 and great-grandmother of petitioner No.2 and 3 by name Smt. Tulasavva W/o. Hebballeppa Madar and to issue

death certificate. Accordingly, PW.1 has made out the case and **I answered Point No.1 and 2 in the Affirmative.**

9. **Point No.3**: Having answered point No.1 and 2 in the affirmative, I proceed to pass the following;

: O R D E R :

The petition filed by the petitioners is hereby allowed.

The respondent authority is hereby directed to enter the date of death of grandmother of petitioner No.1 and great-grandmother of petitioner No.2 and 3 and following details in the concerned register of birth and deaths and issue Death certificate after collecting necessary fees.

Name : Tulasavva W/o. Hebballeppa
Madar

Husband's Name : Hebballeppa Madar

D.O.D. : 20.04.2012

Death Place : Hosakoti village,
Badami taluka.

(Directly dictated to the Typist on computer, corrected by me and then pronounced in the open court on this 17th day of January-2026)

(HARISH JADHAV)
Principal Civil Judge & JMFC Badami
C/c Additional Civil Judge & JMFC Badami
Sitting at Itinerary Court, Kerur

ANNEXURE

Witnesses examined on behalf of petitioners:

PW.1 : Sri Duragappa S/o. Rangavva Madar.

Documents marked on behalf of petitioners:

Ex.P.1 : Non-Availability certificate.

Ex.P.2 : Genealogy.

Ex.P.3 : Aadhar card.

Ex.P.4 & 5 : Paper publications.

Witnesses examined on behalf of respondent:

- N O N E -

Documents marked on behalf of respondent:

- N I L -

Principal Civil Judge & JMFC Badami
C/c Additional Civil Judge & JMFC Badami
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