



**IN THE COURT OF CIVIL JUDGE, & JMFC.,
AT HAGARIBOMMANAHALLI**

DATED THIS THE 11th DAY OF MAY 2026

:PRESENT:

**SRI. SAYED MOHIUDDIN URF KHAWAJA PEERAN., BA. LLB.,(Spl.)
CIVIL JUDGE & JMFC., HAGARIBOMMANAHALLI.**

Crl.Misc.No.3/2026

- Petitioner/s:**
1. Siddamma W/o Late Ningappa
D/o Late M.Sanna Neelappa
Age: 76 years, Occ: Agriculturist,
R/o Metri Village, Dasamapura Post,
H.B.Halli Taluk, Vijayanagara District.
 2. Maggada Sanna Basappa S/o Neelappa
Age: 67 years, Occ: Agriculturist,
R/o Metri Village,
H.B.Halli Taluk, Vijayanagara District.
 3. Umakka Maggada W/o Late Sakrappa
Age: 62 years, Occ: Agriculturist,
R/o Metri Village,
H.B.Halli Taluk, Vijayanagara District.
 4. Haralu Neelamma W/o Chandrappa
D/o Late Sakrappa
Age: 41 years, Occ: Agriculturist,
R/o Metri Village,
H.B.Halli Taluk, Vijayanagara District.
 5. Maggada Koteppa S/o Late Sakrappa
Age: 39 years, Occ: Agriculturist,
R/o Metri Village,
H.B.Halli Taluk, Vijayanagara District.

6. Nandibandi Honnamma
W/o Nandibandi Bharamappa
D/o Late Sakrappa
Age: 37 years, Occ: Agriculturist,
R/o Kogali Village,
Kottur Taluk, Vijayanagara District.
7. Maggada Neelappa S/o Late Sakrappa
Age: 35 years, Occ: Agriculturist ,
R/o Metri Village,
H.B.Halli Taluk, Vijayanagara District.

(By Sri. C. Hulugappa - Adv.)

V/s.

- Respondent/s:**
- 1) The Tahasildar-cum-Registrar of Births and Deaths, H.B.Halli.
 - 2) Smt. Honnamma W/o Mugabasappa
Age: 76 years, Occ: Agriculturist ,
R/o Badaladuku Village,
Kudligi Taluk, Vijayanagara District.

(Respondent No.1 & 2 Ex-parte)

ORDER

The present petition is filed by the petitioners under Section 13(3) of the Registration of Births and Deaths Act, 1969 seeking directions to the respondent No.1 authority for entering the date of death of deceased **Maggada Basamma W/o Maggada Sanna Neelappa** as on **09.11.1995** in the Birth and Death Register maintained by them.

2. The petitioners case in brief as follows:-

In the petition it is stated that, they are residing in the above address along with their family members. The mother of petitioner No.1 and 2, mother-in-law of petitioner No.3, grandmother of petitioner No.4 to 7 and mother of respondent No.2 by name **Maggada Basamma W/o Maggada Sanna Neelappa** died on **09.11.1995** in the house of petitioners at Metri Village, Hagaribommanahalli Taluk, Vijayanagara District. Due to lack of knowledge of petitioners and their family members have not intimated the date of death of **Maggada Basamma W/o Maggada Sanna Neelappa** to the respondent No.1 authority. They have required the death certificate of said deceased **Maggada Basamma W/o Maggada Sanna Neelappa** to produce before the Revenue authorities to change the mutation of their family properties. Hence they have approached the respondent No.1 authority for the death certificate of **Maggada Basamma W/o Maggada Sanna Neelappa**. On 02.12.2025 the respondent No.1 authority have issued non-availability certificate. With left no option they have filed the present petition for appropriate relief.

3. After registration of the petition notice was issued to the respondent No.1 and 2, notice served to the respondents, but respondents have not appeared before the court and proceedings made Ex-parte.

4. The petitioners in order to substantiate their case, petitioner No.2 himself examined as PW1 and got marked eleven documents at Ex.P.1 to Ex.P.11.

5. Heard the arguments and perused the records.
6. The following points that arise for my consideration.
 1. Whether the petitioners are entitled to the relief as sought for?
 2. What order ?
7. My findings to the above points are as under :-

Point No.1 : In the **AFFIRMATIVE**

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

REASONS

8. **Point No.1** :- In order to prove her case, the petitioner No.2 himself examined as PW1 and got marked eleven documents at Ex.P.1 to Ex.P.11. Ex.P.1 is the Non Availability Certificate issued by the respondent No.1 authority with regard to non-registration of date of death of **Maggada Basamma W/o Maggada Sanna Neelappa** as on **09.11.1995** in the concerned Death Register. Ex.P.2 is the true copy of affidavit of G-tree. Ex.P.3 and Ex.P.4 are the paper publications published in “E Namma Kannada Naadu” and “Davanagere Kannadiga”. Ex.P.5 to Ex.P.11 are the true copy of Aadhaar cards of the petitioners. PW.1 clearly supported their case by adducing evidence.

9. After registration of the petition, paper publications as per Ex.P.3 and Ex.P.4 were issued calling upon the interested persons if any to appear and contest the said petition. In spite of paper publications in the local daily News papers i.e. “E Namma Kannada Naadu” and “Davanagere Kannadiga” no rival claimants or interested

parties have appeared before the Court to contest the case. Furthermore, inspite of service of notice the respondent No.1 and 2 have also not appeared before the Court and proceeding made Ex-parte.

10. Specific case of the petitioners is that, the mother of petitioner No.1 and 2, mother-in-law of petitioner No.3, grandmother of petitioner No.4 to 7 and mother of respondent No.2 by name **Maggada Basamma W/o Maggada Sanna Neelappa** died on **09.11.1995**, due to lack of knowledge they have not intimated the same to the respondent No.1 authority. As per Ex.P.1 Non-availability certificate issued by the respondent No.1 authority it reveals that the respondent No.1 authority has issued the said document stating that, there is no entry relating to the death of deceased **Maggada Basamma W/o Maggada Sanna Neelappa** in the birth and death register maintained by them. The said document clearly discloses that the death event of the deceased **Maggada Basamma W/o Maggada Sanna Neelappa** was not entered in the concerned register maintained by the respondent.

11. Section 13(3) of the Registration of Births and deaths Act, 1969 provides as under:-

“Any birth or death which has not been registered within 1 year of its occurrence, shall be registered only on an order made by a Magistrate of the First Class or a presidency Magistrate after verifying the correctness of the birth or death and on payment of the prescribed fee.”

12. On going through the oral and documentary evidence led by the petitioners it discloses that, the event relating to the death of mother of petitioner No.1 and 2, mother-in-law of petitioner No.3, grandmother of petitioner No.4 to 7 and mother of respondent No.2 by name **Maggada Basamma W/o Maggada Sanna Neelappa** died on **09.11.1995** at petitioner house Metri Village, Hagaribommanahalli Taluk, Vijayanagara District has not registered in the birth and death register maintained by the respondent No.1 authority. The evidence led by the petitioners is remained unchallenged and un-rebutted. In the absence of any contra evidence there is no reason to disbelieve the oral and documentary evidence led by the petitioners. Further more inspite of issuing of paper publications in the above said Newspapers, no rival claimants have appeared before the Court to contest the petition. In spite of service of notice the respondent No.1 and 2 also did not come forward to contest the petition. Hence, on the basis of above reasons and discussion I answer point No.1 in the **AFFIRMATIVE**.

13. Point No.2:- For the aforesaid reasons and discussions made above, I proceed to pass the following :-

ORDER

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

The respondent No.1 is hereby directed to enter the date of death of **mother of petitioner No.1 and 2, mother-in-law of petitioner No.3, grandmother of petitioner**

No.4 to 7 and mother of respondent No.2 by name **Maggada Basamma W/o Maggada Sanna Neelappa** in the concerned death register as on **09.11.1995** in the house of petitioners at **Metri Village, Hagaribommanahalli Taluk, Vijayanagara District** after collecting necessary fee as per Birth and Death Rules and issue death certificate.

(Dictated to the Stenographer, transcribed & computerized by him, transcript revised & corrected by me, and then pronounced in the open Court on this the 11th DAY OF MAY 2026).

(SAYED MOHIUDDIN URF KHAWAJA PEERAN)
CIVIL JUDGE & JMFC., HAGARIBOMMANAHALLI.

A N N E X U R E

List of witnesses examined on behalf of petitioners :-

PW1 : Sri. Maggada Sanna Basappa S/o Neelappa

List of documents marked on behalf of petitioners:-

Ex.P1 : Non-availability Certificate

Ex.P2 : True copy of Affidavit of G-Tree

Ex.P3 & 4 : Paper publications

Ex.P5 to 11 : True copy of Aadhaar Cards of the petitioners

List of witnesses examined on behalf of respondents:-

- NIL -

List of witnesses examined on behalf of respondents:-

- NIL

(SAYED MOHIUDDIN URF KHAWAJA PEERAN)
CIVIL JUDGE & JMFC., HAGARIBOMMANAHALLI.