



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

DATED THIS THE 18th DAY OF MARCH 2026

:PRESENT:

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

CrI.Misc.No.16/2026

- Petitioner/s:**
1. B.M.Kotresha S/o Late B.M.Shambulingaiah,
Age: 59 years, R/o Hampasagara-2 Village,
H.B.Halli Taluk, Vijayanagara District.
Now at #3510/4, Kundwada Road
Behind Kaveri Unnathi Apartment
Bhantara Bhavana, Davanageri Town,
Davanagere Taluk and District.
 2. B.M. Annapurnamma
W/o Late Shambulingaiah, Age: 85 years,
R/o #3510/4, Kundwada Road
Behind Kaveri Unnathi Apartment
Bhantara Bhavana, Davanageri Town,
Davanagere Taluk and District.
 3. Veeresh.B.M. S/o Shambulingaiah.B.M.
Age: 55 years, R/o #2019/4, 2nd Main, 2nd Cross,
Near Devanagere one, MCC A Block,
Southern Extension DVG PO Southern
Extension DVG PO Southern Extension,
Davanagere Town,
Davanagere Taluk and District.
 4. Gangambika Veerayya Koti W/o Veerayya
D/o Shambulingappa,
Age: 63 years, Occ: Housewife,
R/o Hubli Town and Taluk, Dharwad District.

(By Sri. C. Hulugappa - Adv.)

V/s.

Respondent/s: The Tahasildar-cum-Registrar of
Births and Deaths, H.B.Halli.

(Exparte)

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 authorities for entering the date of death of deceased **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** as on **27.02.1973** 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 husband of petitioner No.2, father of petitioner No.1, 3 and 4 by name **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** died on **27.02.1973** in the house of petitioner No.1 at Hampasagara-2 Village, H.B.Halli Taluk, Vijayanagara District. Due to lack of knowledge of petitioners and their family members have not intimated the date of death of **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** to the respondent authorities. They have required the death certificate of said deceased **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** to produce before the Revenue authorities to change the mutation of their family properties. Hence they have approached the respondent authorities for the death certificate of **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** On 09.12.2025 the respondent authorities 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, notice served to the respondent authorities, but they have not appeared before the court and proceedings made Ex-parte.

4. The petitioners in order to substantiate their case, petitioner No.3 himself examined as PW1 and got marked eight documents at Ex.P.1 to Ex.P.8.

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 their case, the petitioner No.3 himself examined as PW1 and got marked eight documents at Ex.P.1 to Ex.P.8. Ex.P1 is the Non Availability Certificate issued by the respondent authorities with regard to non-registration of date of death of **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** as on **27.02.1973** in the concerned Death Register. Ex.P.2 is the 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.8 are the 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, in spite of service of notice the respondents has also not appeared before the Court and proceeding made Ex-parte.

10. Specific case of the petitioners is that, the husband of petitioner No.2, father of petitioner No.1, 3 and 4 by name **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** died on **27.02.1973**, due to lack of knowledge they have not intimated the same to the respondent authorities. As per Ex.P1 Non-availability certificate issued by the respondent authorities it reveals that the respondent authorities have issued the said document stating that, there is no entry relating to the death of deceased **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** in the birth and death register maintained by them. The said document clearly discloses that the death event of the deceased **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** 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 husband of petitioner No.2, father of petitioner No.1, 3 and 4 by name **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** died on **27.02.1973** at petitioners house Hampasagara-2 Village, H.B.Halli Taluk, Vijayanagara District has not registered in the birth and death register maintained by the respondent authorities. 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. Inspite of service of notice the respondent 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 is hereby directed to enter the date of death of **husband of petitioner**

No.2, father of petitioner No.1, 3 and 4 by name **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** in the concerned death register as on **27.02.1973** in the house of petitioner No.1 at **Hampasagara-2 Village, H.B.Halli Taluk, Vijayanagara District** after collecting necessary fee as per Birth and Death Rules and issue death certificate.

(Dictated to the Stenographer, transcribed & computerized by her, transcript revised & corrected by me, and then pronounced in the open Court on this the 18th DAY OF MARCH 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 : Veeresh.B.M S/o Shambulingaiah.B.M.

List of documents marked on behalf of petitioners:-

Ex.P1 : Non-availability Certificate

Ex.P2 : Affidavit of G-Tree

Ex.P3 & 4 : Paper publications

Ex.P5 to 8 : Aadhaar Cards of the petitioners

List of witnesses examined on behalf of respondent:-

- NIL -

List of witnesses examined on behalf of respondent:-

- NIL -

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

(Order is pronounced in the open Court
vide separate order)

ORDER

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

The respondent is hereby directed to enter the date of death of **husband of petitioner No.2, father of petitioner No.1, 3 and 4** by name **Shambulingaiah.B.M. S/o Virupakshaiah.B.M.** in the concerned death register as on **27.02.1973** in the house of petitioners at **Hampasagara-2 Village, H.B.Halli Taluk, Vijayanagara District** after collecting necessary fee as per Birth and Death Rules and issue death certificate.

CIVIL JUDGE & J.M.F.C., H.B.HALLI.