



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

DATED THIS THE 08<sup>TH</sup> DAY OF APRIL 2026

**:PRESENT:**

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

**Crl.Misc.No.19/2026**

- Petitioner/s:**
1. Sri. Hampapattana Neelappa  
S/o Late Holiyappa Hampapattana  
Age: 69 years, Occ: Agriculturist,  
R/o Metri Village,  
H.B.Halli Taluk, Vijayanagara District.
  2. Smt. Kogali Neelamma W/o Channappa  
Age: 73 years, Occ: Housewife,  
R/o Metri Village,  
H.B.Halli Taluk, Vijayanagara District.
  3. Smt. Sannamma W/o Mallappa  
Age: 71 years, Occ: Housewife,  
R/o Metri Village,  
H.B.Halli Taluk, Vijayanagara District.
  4. Smt. K. Kotramma W/o Nagappa,  
Age: 67 years, Occ: Housewife,  
R/o Varalahalli Village,  
H.B.Halli Taluk, Vijayanagara District.
  5. Smt. H. Channabasamma  
W/o Hampapattana Neelappa  
Age: 64 years, Occ: Housewife,  
R/o Metri Village,  
H.B.Halli Taluk, Vijayanagara District.

6. Sri. Hampapattana Ishtalinga  
S/o Hampapattana Neelappa  
Age: 36 years, Occ: Agriculturist,  
R/o Metri Village,  
H.B.Halli Taluk, Vijayanagara District.
7. Sri. Hampapattana Holiyappa  
S/o Hampapattana Neelappa  
Age: 34 years, Occ: Agriculturist,  
R/o Metri Village,  
H.B.Halli Taluk, Vijayanagara District.
8. Sri. Hampapattana Dinesh  
S/o Hampapattana Neelappa  
Age: 31 years, Occ: Agriculturist,  
R/o Metri Village,  
H.B.Halli Taluk, Vijayanagara District.
9. Sri. Kumar.H S/o Hampapattana Neelappa  
Age: 29 years, Occ: Agriculturist,  
R/o Metri Village,  
H.B.Halli Taluk, Vijayanagara District.

**(By Sri. Deepak.G.M. - Adv.)**

V/s.

**Respondent/s:** The Tahasildar-cum-Registrar of  
Birth and Death, 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 **Sri. Mallappa S/o Kurubara Honnappa** as on **19.06.1951** 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 great grandfather of petitioner No.1 to 5 and great great grandfather of petitioner No.6 to 9 by name **Sri. Mallappa S/o Kurubara Honnappa** died on **19.06.1951** in the house of petitioners at Metri 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 **Sri. Mallappa S/o Kurubara Honnappa** to the respondent authorities. They have required the death certificate of said deceased **Sri. Mallappa S/o Kurubara Honnappa** 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 **Sri. Mallappa S/o Kurubara Honnappa**. 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.8 himself examined as PW1 and got marked thirteen documents at Ex.P.1 to Ex.P.13.

**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.8 himself examined as PW1 and got marked thirteen documents at Ex.P.1 to Ex.P.13. Ex.P.1 is the Non Availability Certificate issued by the respondent authorities with regard to non-registration of date of death of **Sri. Mallappa S/o Kurubara Honnappa** as on **19.06.1951** 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.13 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 great grand father of petitioner No.1 to 5 and great great grandfather of petitioner No.6 to 9 by name **Sri. Mallappa S/o Kurubara Honnappa** died on **19.06.1951**, due to lack of knowledge they have not intimated the

same to the respondent authorities. As per Ex.P.1 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 **Sri. Mallappa S/o Kurubara Honnappa** in the birth and death register maintained by them. The said document clearly discloses that the death event of the deceased **Sri. Mallappa S/o Kurubara Honnappa** 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.”***

In the reported decision **2003 SCC Online Kar 492 Smt.Devamma V/s Register of Births and Deaths, Mysore**, the Hon'ble High Court of Karnataka in para No.11 held as under;

***“ 11. On a conjoint reading of the provisions of the 1886 Act and the provisions of the present Act, particularly in the light of Section 29 and 31 of the present Act, it has to be held that an application before the Magistrate for the purpose of passing an order to enable the Registering authorities to record a birth or death that had taken place beyond the period of one year from the date intimation should necessarily be entertained and should be ordered.”***

**12.** On going through the oral and documentary evidence led by the petitioners it discloses that, the event relating to the death of great

grandfather of petitioner No.1 to 5 and great great grandfather of petitioner No.6 to 9 by name **Sri. Mallappa S/o Kurubara Honnappa** died on **19.06.1951** at petitioners house Metri 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 **great grandfather of petitioner No.1 to 5 and great great grandfather of petitioner No.6 to 9** by name **Sri. Mallappa S/o Kurubara Honnappa** in the concerned death register as on **19.06.1951** in

the house of petitioners at **Metri 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 08<sup>th</sup> DAY OF APRIL 2026).*

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

**ANNEXURE**

List of witnesses examined on behalf of petitioners :-

PW1 : Hampapattana Dinesh S/o Hampapattana Neelappa

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 13 : Aadhaar card 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 **great grandfather of petitioner No.1 to 5 and great great grandfather of petitioner No.6 to 9** by name **Sri. Mallappa S/o Kurubara Honnappa** in the concerned death register as on **19.06.1951** in the house of petitioners at **Metri 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.**