

IN THE COURT OF CIVIL JUDGE AND J.M.F.C.
AT:HARAPANAHALLI.

Present:

Shri. Manu Sharma S.P.,
B.A. LAW. LL.M.
Civil Judge and J.M.F.C.,
Harapanahalli.

DATED THIS THE 26th DAY OF MARCH- 2026

CRL.MISC.No.901/2025

Petitioner: Shri.Krishnanaik,
S/o. Late Ruplanaik,
Age 30 years, Agriculturist,
R/o. Togarikatti village,
Harapanahalli taluk, Vijayanagara District,
Present R/o Advimallanakeri Thanda,
Hoovinahadagali Taluku, Vijayanagara
District.

(By Shri.G.H., Advocate)

V/s.

Respondent: Tahasildar cum Registrar, Birth and Deaths,
Taluk Office, Harapanahalli.

(exparte)

**ORDER ON PETITION FILED UNDER SECTION 13 (3) OF
REGISTRATION OF BIRTHS AND DEATHS ACT, 1969
R/W.9 (3) OF REGISTRATION OF KARNATAKA BIRTHS
AND DEATHS ACT, 2000**

ORDER

1. Petitioner has filed this petition U/Sec.13(3) of Registration of Birth and Death Act 1969 seeking direction to respondent to

enter the date of death of deceased by name "Keshlibai W/o Late Lakkyanaik", as 01.01.1994 in the register maintained by respondents and to issue death certificate to the Petitioner.

Brief facts of the case:

2. That, the deceased is the grandmother of the petitioner and she died on 01.01.1994 at Toogarikatti village of Harapanahalli taluk. That, due to over sight and inadvertent mistake, factum of death was not intimated to the concerned authority and death particulars were not entered in concerned records. That, now the petitioner is in need of death certificate for the purpose of Government facilities & for record purpose. Hence, the petitioners applied to respondent to furnish death certificate. But the Respondent has issued non availability certificate. Hence, this petition.

3. After registration of the case notice was issued to the Respondent and in spite of the service of notice, Respondent remained absent. The public notice was published in daily news paper as per law intimating the general public about the prayer of the Petitioner in the present case and calling for objection from general public to the petition filed by the Petitioner. But, no one

appeared in response to the publication of notice in the news paper.

4. The Petitioner examined as PW1 in support of the case and got marked following documents:-

Ex.P.1 : Non availability certificate.

Ex.P.2 : Affidavit of genealogy sworn in before notary public.

Ex.P.3 : Original Aadhar card

Ex.P.4 : News paper

Ex.P.4(a) : Portion of the news paper.

5. Heard counsel of petitioners.

6. Upon hearing arguments and on perusal of materials placed on records the following points arise for my consideration.

1. Whether Petitioner has made out grounds for allowing the petition?

2. What order?

7. My finding to the above points 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 the case, the Petitioner is examined as PW1 and got marked documents at Ex.P.1 to Ex.P.4.

In the evidence of PW-1 petition averments are reiterated.

Petitioner has produced documents to show the relationship between petitioner and deceased.

9. The testimony of PW1 remains un challenged and un controverted. Therefore, there is no reason to disbelieve the evidence given by petitioner. The Respondents have remained absent and did not contest the petition. That, moreover no interested persons appeared in response to the publication of petition notice in the news papers. Thus, the case of the Petitioner remains uncontested and unchallenged. Further oral and documentary evidence adduced by the Petitioner is unchallenged and controverted. Therefore, there is no reason to disbelieve the case of the Petitioner.

10. It is also trite that in a proceeding under section 13 (3) of Registration of Births and Deaths Act, court is concerned with the factum of birth or death and date of birth or death is not relevant. This proposition finds support from the ratio laid down by Hon'ble High Court of Karnataka in 2000 (4) KCCR 2674 (State of Karnataka V/s Smt. Annakka), wherein it was held that the The Magistrate in a proceeding Under Section 13(3) only ascertains the birth of the child and date is not the material consideration, as such

directions bind only the Registration Office Under the Act to make an entry and does not carry higher probative value.

11. Hence, in the light of principles emerges from the decision referred above, petition is required to be allowed. Hence, I answer the Point No.1 in the **Affirmative**.

12. **POINT NO.2:** For the reasons stated above I am of the opinion that, the petition deserves to be allowed and hence I proceed to pass following:

::ORDER::

Application filed U/Sec.13(3) Registration of Birth and Death Act 1969 by the petitioner is hereby allowed.

Respondent is directed to enter death date of deceased by name "Keshlibai W/o Late Lakkyanaik", as 01.01.1994 and Place of death as Toogarikatti village of Harapanahalli taluk. In concerned records and issue death certificate to the Petitioner after collecting necessary fees and fine.

No order as to cost.

(Dictated to the Stenographer, transcribed by him, corrected by me and then pronounced in the Open Court on this **26th day of March 2026**)

**Civil Judge and JMFC,
Harapanahalli.**

(Vide separate order)

**Order pronounced in the Open Court
vide Dt.26.03.2026.**

: ORDER :

*Application filed U/Sec.13(3) Registration
of Birth and Death Act 1969 by the petitioner
is hereby allowed.*

7

Crl.M.C.No.901-2025

Respondent is directed to enter death date of deceased by name "Keshlibai W/o Late Lakkyanaik", as 01.01.1994 and Place of death as Toogarikatti village of Harapanahalli taluk. In concerned records and issue death certificate to the Petitioner after collecting necessary fees and fine.

No order as to cost.

**Civil Judge and J.M.F.C.,
Harapanahalli.**