

KAKP310008002026



**IN THE COURT OF THE CIVIL JUDGE & JMFC AT
YELBURGA**

: PRESENT :

Sri Sanjukumar Pachhapure
Civil Judge and JMFC Yelburga

Dated this 31st day of July 2026

Crl. Misc No.351/2026

Petitioner/ s :

1. Smt.Dyamavva W/o Hanamappa
Mannapur, Age: 79 years,
Occ: Agriculture, R/o
Chikkavankalakunta, Tq:Yelburga,
Dist: Koppal.
2. Sri.Maruti S/o Hanamappa Mannapur
Age: 43 years, Occ : Agriculture,
R/o Chikkavankalakunta, Tq:Yelburga,
Dist: Koppal.
3. Sri.Ramanna S/o Hanamappa
Mannapur, Age: 33 years, Occ:
Agriculture, R/o Chikkavanakalaunta
Tq: Yelburga, Dist: Koppal.

(R/by Sri.U.N.Hiremani Advocate)

-V/s-

Respondent/s :

1. The Registrar Birth and Death
Tahasildar Yelburga, Tq: Yelburga,
Dist: Koppal.

(Respondent placed exparte)

-:: O R D E R ::-

The petitioner has filed this petition under Section 13(3) of Karnataka Registration of Births and Deaths Act 1969, for a direction to the respondent-Registrar of Births and Deaths to record the date of death of late Sri.Balappa S/o Hanamappa Mannapur who died on 01-05-2019.

2. It is stated in the petition that the brother of the petitioner No.2 was died on 01-05-2019. But the same was not intimated to the respondent due to oversight. When the petitioner No.2 has submitted an application to the respondent for issuance of death certificate of his brother the respondent has issued non availability certificate stating that the date of death has not been entered in the register maintained by them. The death certificate is required to the petitioners for the purpose of change of khata into their name and government benefits. Hence, the petitioners have filed a petition for direction to the respondent to cause an entry of death of late Sri.Balappa's in their registers and to issue death certificate in the interest of justice.

3. The notice of the petition was issued to the respondent, which was duly served. In spite of due service

of notice, the respondent has remained absent. Hence the respondent is placed ex parte and proceeded with the case.

4. The petitioner to prove her case, the petitioner No.2 has examined as PW.1 and got marked the documents as Ex.P1 to 5 and has closed his side.

5. Heard the arguments and perused the material available on record.

6. Now the following points that arise for my consideration.

:-: P O I N T S :-:

1. Whether the petitioners have sufficient materials on record as to verify the correctness of date of death of late Sri.Balappa S/o Hanamappa Mannapur who died on 01-05-2019?

2. Whether directions are necessary from this court to respondent for recording of date of death of brother of petitioner No.2 who died on 01-05-2019?

3 What order ?

7. My answers to the above points are as follows:

Point No.1 :- In the affirmative

Point No.2 :- In the affirmative

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

-:: R E A S O N S ::-

8. **POINT NO.1:** The present petition has been filed by the petitioner No.2 seeking the direction to the respondent for issue of death certificate. In support of the case the petitioner No.2 had examined as PW.1 and got marked the documents as Ex.P1 to P5. It is contended in the affidavit that, his brother late Sri.Balappa S/o Hanamappa Mannapur who died on 01-05-2019 at Chikkavanakalaunta village, Tq: Yelburga and the petitioner has approached the respondent and he has issued non availability certificate. In support of the case the petitioner has produced and got marked the documents as Ex.P1 to P5. The Ex.P1 is non availability certificate issued by the respondent. The Ex.P2 is the genealogy belongs to the family of the petitioners. The Ex.P3 and P4 are the paper notices issued in news papers. Ex.P5 is the Adhaar card. Hence, from the materials placed on record it establishes that the brother of petitioner late Sri.Balappa S/o Hanamappa Mannapur who died on 01-05-2019. Hence, the contents of the petition and the evidence remained unchallenged before this court. Hence

the court is of the opinion that, the petitioner No.2 brother was died on 01-05-2019 accordingly point No.1 is answered in the affirmative.

9. **POINT No.2:** The case of the petition is that the brother of petitioner No.2 was who died on 01-05-2019, the said fact was not intimated to the respondent and it was not entered in the register. On submitting an application to the registrar of Birth and Death Yelburga has issued non availability certificate stating that the date of death is not recorded in the register of birth and death.

10. As per 13(3) of registration of Birth and Deaths Act 1969 "Any birth or death which has not been registered within one year from 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".

11. In view of the above said provision the petitioner No.2 has produced Ex.P1 non availability certificate issued by the respondent that the date of death of the brother of the petitioner No.2 has not been recorded in the registers of Birth and Death. As the petitioner No.2 has established that late Sri.Balappa S/o Hanamappa Mannapur was died on 01-

05-2019 and the death certificate is required to the petitioners for the purpose of change of khata into their name and government benefits. Hence, the court is of the view that petitioners cannot be made to suffer for any fault for not reporting the date of death in time in the register of death who died on 01-05-2019. Hence point No.2 is answered in the affirmative.

12. **POINT NO.3:** In view of the discussion made on point No.1 and 2 this court proceed to pass the following:

-:: O R D E R ::-

The petition filed by the petitioners U/s 13[3] of the Registration of Births and Deaths Act 1969 is hereby allowed.

The respondent is hereby directed to cause an entry of the date of death of late Sri.Balappa S/o Hanamappa Mannapur (ದಿ: ಶ್ರೀ ಬಾಲಪ್ಪ ತಂದೆ: ಹನಮಪ್ಪ ಮನ್ನಾಪುರ) who died on 01-05-2019, in the registers of Births and Deaths on payment of prescribed fee and issue death certificate to the petitioner.

No order as to cost.

(Dictated to the Stenographer Gr-III on computer typed and computerized by her, corrected, signed and then pronounced by me in the open Court on this the 31st day of July 2026)

(Sanjukumar Pachhapure)
Civil Judge & JMFC Yelburga

:- ANNEXURE :-

1. List of witnesses examined for the petitioners:-

PW1 : Sri.Maruti S/o Hanamappa Mannapur

2. List of documents marked for the petitioner:-

Ex.P1 : Non availability certificate

Ex.P2 : Genealogical tree

Ex.P3 & 4 : News paper publications

Ex.P5 : Adhaar card

3. List of witnesses examined for the respondent:-

---NONE---

4. List of documents marked for the respondent:-

---NIL---

(Sanjukumar Pachhapure)
Civil Judge & JMFC Yelburga,

(Order is pronounced in the open court)
(vide separate sheets)

-:: O R D E R ::-

The petition filed by the petitioners U/s 13[3] of the Registration of Births and Deaths Act 1969 is hereby allowed.

The respondent is hereby directed to cause an entry of the date of death of late Sri.Balappa S/o Hanamappa Mannapur (ದಿಃ ಶ್ರೀ ಬಾಲಪ್ಪ ತಂದೆಃ ಹನಮಪ್ಪ ಮನ್ನಾಪುರ) who died on 01-05-2019, in the registers of Births and Deaths on payment of prescribed fee and issue death certificate to the petitioners.

No order as to cost.

Civil Judge & JMFC Yelburga

The office is directed to return the original documents to the petitioner with due identification by taking certified copies.

Civil Judge & JMFC Yelburga