

**IN THE COURT OF PRL CIVIL JUDGE AND JMFC,
AT SORABA**

: P R E S E N T :

SRI.RAJU K SHEDBALKAR,

B.Com., LL.B.,

PRL. CIVIL JUDGE AND JMFC, SORABA.

DATED THIS THE 30TH DAY OF JULY, 2026

Crl. Misc. No.133/2026

- PETITIONERS:-** 1. Vidya S W/o Raghavendra A.M.
Aged about 33 Years,
R/o Valemane Yallada Kone Village
Huncha Hobli, Hosanagara Taluk
Shivamogga District.
2. Sharavati W/o Lohith
Aged about 39 Years,
R/o Kumsi Village, Soraba Taluk,
Shivamogga District.

(Reptd. by Sri.N.S., Advocate)

// VERSUS //

RESPONDENT:- The Tahasildar,
Taluk Office, Soraba.

(Absent)

:: O R D E R ::

The present petition is filed by the petitioners seeking direction of the court to the respondent to enter the date of death of Vanajakshi W/o Somappa who was died on 01.04.1998 in the death register maintained by the respondent.

2. It is stated in the petition as follow:-

The mother of petitioners by name Vanajakshi W/o Somappa died on 01.04.1998. It is submitted that the intimation as to the death of Vanajakshi has been given to respondent but when an application was filed to obtain death certificate of Vanajakshi it was informed that same has not been registered in the concerned register maintained by the respondent as such respondent issued non availability certificate. The petitioners required death certificate of Vanajakshi to get change the khatha. Hence, petitioners prayed for allow the petition.

3. The respondent remained absent inspite of service of notice. Hence, respondent placed exparte.

4. Petitioner No.1 got examined himself as PW.1 and got marked 3 documents as Ex.P.1 to 3 and closed their side evidence.

5. Heard counsel for the petitioners.

6. The points that arise for consideration are as under:-

: POINTS:

1. Whether it is necessary to issue direction to the respondent to enter the date of death of Vanajakshi W/o Somappa?
2. What order?

7. The findings on the above points are as under:-

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

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

: REASONS :

8. **Point No.1:** In order to prove the case of the petitioners, petitioner No.1 got examined himself as P.W.1 and by filing chief examination affidavit. In the chief examination affidavit of PW.1, it is stated that Vanajakshi W/o Somappa died on 01.04.1998. It is further deposed that the factum of death of Vanajakshi has been intimated to the respondent orally but respondent failed to enter the same in the concerned register. It is further stated by PW.1 that when the petitioner No.1 has applied for the death certificate of Vanajakshi the respondent issued non-availability certificate as per Ex.P.1, stating there is no entry of death of Vanajakshi in the concerned register maintained by the respondent. It is further deposed that petitioners required death certificate of Vanajakshi to changed Khatha.

9. On perusal of Ex.P.1 it reveals that, the date of death of Vanajakshi W/o Somappa has not been entered by respondent in the concerned Register. The petitioner has also produced paper publication made by the petitioner about filing of this petition. The paper publication has been marked as Ex.P.2 and 3. Further in spite of paper publication, nobody have came before the court to object the petition.

10. The Respondent remained absent. As such respondent has been placed exparte. The evidence of PW.1 and Ex.P.1 to 3 documents remained unchallenged and in such circumstances, there is no reason to disbelieve the version of PW.1. Further Section 13 (3) of The Registration Birth And Death Acts 1969 authorizes the court to pass an order to register birth or deaths, which has not been registered within one year of its occurrence, after verifying the correctness of the birth or death. Therefore, under the fact and circumstance of present case it is necessary to answer Point No.1 in **Affirmative**.

11. **Point No.2:** In view of the reasons discussed above, this court proceeds to pass the following:-

::ORDER::

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

Consequently, the respondent is hereby directed to register the date of death of Vanajakshi W/o Somappa as 01.04.1998 in the Death Register and issue certified copy of the same to the petitioners.

The petitioners shall pay necessary fee for the same.

(Dictated to the Stenographer, on computerized by him, transcript corrected and pronounced by me in the open court on this 30th day of July, 2026.)

(RAJU K SHEDBALKAR)
Prl. Civil Judge & J.M.F.C,
Soraba.

ANNEXURE**1. LIST OF WITNESSES EXAMINED BY THE PETITIONER:**

PW-1 : Vidya S.

2. LIST OF DOCUMENTS MARKED BY THE PETITIONER:

Ex.P-1 : Non-availability Certificate.

Ex.P-2 & 3 : Paper publications.

3. LIST OF WITNESSES EXAMINED BY THE RESPONDENT:

NIL

4. LIST OF DOCUMENTS MARKED BY THE RESPONDENT:

NIL

(RAJU K. SHEDBALKAR)
Prl. Civil Judge & J.M.F.C,
Soraba.

(Order pronounced in the open court,
vide detailed separate order)

ORDER

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

Consequently, the respondent is hereby directed to register the date of death of Vanajakshi W/o Somappa as 01.04.1998 in the Death Register and issue certified copy of the same to the petitioners.

The petitioners shall pay necessary fee for the same.

**Prl. Civil Judge and JMFC.,
Soraba.**