

Court No. - 3

Case :- WRIT - C No. - 3614 of 2021

Petitioner :- Kalawati

Respondent :- S.D.M. Kadipur Sultanpur And Others

Counsel for Petitioner :- Bhup Chandra Singh, Anil Kumar Upadhyay, Sunil Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Learned counsel for petitioner prays for and is permitted to implead Registrar, Births & Deaths, District Sultanpur, as respondent no.7 in the array of parties, during course of the day.

Heard learned counsel for the petitioner and the learned Standing Counsel.

Petitioner has approached this Court claiming that death certificate of mother of petitioner is issued on 14.11.2014 by the Registrar, Births & Deaths, District Sultanpur, which is incorrect and fraudulent.

Learned counsel for petitioner submits that the said certificate is also issued without any opportunity of hearing to the petitioner or any other close family member. He further states that death has taken place on 20.12.2005 whereas the death certificate shows that the death of petitioner's mother has taken place on 12.06.1972. He further submits that under Rule 9(3) of U.P. Registration of Births and Deaths, 2002, any certificate by the Registrar, Births & Deaths could be issued only within a period of one year but in the present case, the death is much older than one year and hence the power could be exercised by the Sub Divisional Magistrate.

Looking into the facts and circumstances of the case, petitioner is permitted to file an appropriate application before the Registrar, Births & Deaths,

District Sultanpur - respondent no.7, for recall of the said certificate, within a period of two weeks from today.

In case such an application is filed by the petitioner, the respondent no.7/Registrar, Births & Deaths, District Sultanpur, shall consider and decide the same in accordance with law by a reasoned and speaking order, after hearing all the parties concerned within a period of six weeks from the date a certified copy of this order along with the said application is placed before him.

With the aforesaid directions, the writ petition is disposed of.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 28.10.2023

Arjun/-