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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.57 OF 2015

Mrs. Bridget w/o Rosario D'Souza	..Petitioner
-Versus-	
The State of Maharashtra & Anr.	..Respondents

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Mr. Anand Mishra i/b. Ashok M. Sarogi for the Petitioner.
Mrs. Shobha Ajitkumar for the Respondent-BMC.

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**CORAM: A. S. OKA AND
REVATI MOHITE DERE, JJ.**

DATE :- 24th JUNE 2015.

PC.:

Not on board. Taken on board.

2] Heard the learned counsel appearing for the petitioner and the learned counsel for the 2nd respondent-Municipal Corporation. The petitioner is seeking a writ of mandamus directing the 2nd respondent to issue a death certificate recording that the petitioner's husband Rozario D'souza shall be presumed to be dead as his whereabouts are not known from 2.5.1980.

3] There is no declaration granted by any competent Court declaring that the petitioner's husband shall be presumed to be dead. Therefore, a writ of mandamus cannot be issued directing the 2nd respondent to issue a

death certificate. By keeping the remedy of the petitioners expressly open,
we dispose of the petition.

(REVATI MOHITE DERE,J.)

(A. S. OKA, J.)

wadhwa