

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 11889 of 2015 (I)

PETITIONER(S):

**MARY GEORGE, AGED 49 YEARS,
W/O.JERBINGEORGE, AYATHUPADATHU,
NEYYASSERI. P.O., THODUPUZHA, IDUKKI DISTRICT,
NOW RESIDING AT IMKREUZACKER-7, 8422 PFUNGEN,
SWITZERLAND, REPRESENTED BY HER POWER OF
ATTORNEY HOLDER MOTHER, MRS.ANNAKUTTY VARKEY,
AGED 76 YEARS, AYATHUPADATHU, NEYYASSERI. P.O,
THODUPUZHA, IDUKKI DISTRICT.**

**BY ADVS.SRI.P.VENUGOPAL,
SMT.T.J.MARIA GORETTI.**

RESPONDENT(S):

**THE REGISTRAR OF BIRTHS AND DEATHS,
SECRETARY, KARIMANOOR GRAMA PANCHAYAT,
KARIMANOOR, THODUPUZHA, IDUKKI DISTRICT, PIN-685 581.**

BY ADV. SRI.P.K.SOYUZ, SC.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE COPY OF THE BAPTISM CERTIFICATE ISSUED BY THE PARISH PRIEST DATED 14-01-1996.
- P2- TRUE COPY OF THE FACING SHEET OF THE SSLC BOOK DATED 30-03-1981.
- P3. TRUE COPY OF THE OLD PASSPORT BEARING NO.T619136 ISSUED ON 02-01-1983 AT COCHIN (SINCE THEN CANCELLED BY THE REGIONAL PASSPORT OFFICER, COCHIN.
- P4- TRUE COPY OF THE PRESENT PASSPORT BEARING NO.P2263680 ISSUED ON 14-09-2007 AT ZUERICH BY THE AUSTRIAN CONSULATE GENERAL.
- P5- YTUR COPY OF THE APPLICATION DATED 15-01-2015 SUBMITTED BY THE PETITIONER TO THE RESPONDENT.
- P6- TRUE COPY OF THE DECLARATION SUBMITTED BY THE PARISH PRIEST TO THE RESPONDENT DATED 15-01-2015
- P7- TRUE COPY OF THE DECLARATION SUBMITTED BY THE MOTHER OF THE PETITIONER TO THE RESPONDENT DATED 15-01-2015.
- P8- TRUE COPY OF THE ORDER ISSUED BY THE RESPONDENT DATED 21-02-2015 TO THE PETITIONER WITH ITS ENGLISH TRANSLATION.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 11889 of 2015

Dated this the 27th day of July, 2015

J U D G M E N T

Aggrieved by the rejection of the application submitted by the petitioner for correcting the date of birth of the petitioner, the petitioner has come up before this Court.

2. The petitioner is an overseas citizen of India with an Austrian citizenship, now residing at Switzerland. The petitioner alleges that she was born on 04.12.1965 at her parental residence, but, in the Register of Births and Deaths kept in the office of the respondent, it is mistakenly shown as 16.12.1965. Her grievance is that though she submitted Ext.P5 application under Rule 11 of the Kerala Registration of Births and Deaths Rules, 1999 for correction of the date of birth along with Exts.P1 to P4, P6 & P7 to show that her date of birth is 04.12.1965 in all other documents, the same was rejected as per

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Ext.P8 order, stating that as per prevailing rules, correction of date of birth is not possible. According to the petitioner, the action of the respondent causes much prejudice and hardships to the petitioner. Hence, this writ petition.

3. A statement has been filed by the respondent stating that in the Birth Register kept in the respondent's office, it is showed that as per Reg.No.909, a girl child was born to Sri.Chacko Varkey and Smt.Annakutty, Ayathupadathu House, on 16.12.1965 at Ayathupadathu House, Neyyasseri and the child was named as Mary. It was further stated that the said information was furnished by Sri.Chacko Varkey, who is the father of the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Pleader.

5. It is relevant to note that in Exts.P1 to P4, P6 & P7, the date of birth of the petitioner is shown as 04.12.1965. There is no serious challenge regarding the

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authenticity of those documents. The petitioner cannot be said to derive any undue advantage by seeking the correction of date of birth. The difference is only about few days. There cannot be any element of suspicion as the date to be corrected is anterior in point of time.

Considering the facts and circumstances of the case, the writ petition is disposed of quashing Ext.P8 and directing the respondent to consider Ext.P5 application in the light of Exts.P1 to P4, P6 & P7, within a period of 45 days from the date of receipt of a copy of this judgment .

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-