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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 4372/2018.**

Kalyani Rajappa Subramaniam

**-VERSUS-**

The Registrar, Births and Deaths of Nagpur Municipal Corporation.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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**CORAM : B.P. DHARMADHIKARI**  
**AND S.M. MODAK, JJ.**

**DATE : OCTOBER 31, 2018.**

Heard Shri S.D. Dharaskar, learned  
Counsel for the petitioner and Shri S. Ukey, learned  
Counsel for respondent no.1.

2. Petitioner for immigration purposes wants  
date of birth to be correctly recorded. She after  
obtaining information, applied before the Judicial  
Magistrate First Class in terms of the Rules framed by  
the State Government, under Section 13 of the Births  
and Deaths Act, 1969.

3. Before the learned Magistrate, the  
contention was entry of birth with the Corporation  
taken on 19.11.1974, does not pertain to her.

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4. Learned Magistrate however did not accept this stand and found that entry was taken on 19.11.1974. Hence, he rejected that application. Thereafter, present petition has been filed.

5. On 29.10.2018, along with Pursis, an affidavit sworn by mother of petitioner has been filed. In that affidavit, mother of petitioner now aged about 74 years, has explained that the petitioner is born to her on 18.11.1974 at Nirmal Mata Maternity Home, Nagpur at 11 p.m.

6. Submission of petitioner is, this birth was recorded by the Hospital authorities in normal course on next day, and hence, the date has been noted as 19.11.1974.

7. In view of the affidavit given by mother, we have no hesitation to accept the statement made by the petitioner.

8. Accordingly, we direct respondent to correct the date of birth of petitioner as 18.11.1974. Writ Petition is allowed and disposed of. No costs.

**JUDGE****JUDGE**

Rgd.