

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8630 OF 2021

**SHAIKH KAMAL SHAIKH HASAN QURESHI
VERSUS
THE CHIEF OFFICER ALIAS REGISTRAR BIRTH AND DEATH
REGISTRATION DEPARTMENT AND OTHERS**

...
Advocate for Petitioner : Mr. Bharat G. Londhe
AGP for Respondents : Mr. S. K. Tambe
Advocate for Respondent No.2 : Mr. Naseer Shaikh
...

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 09th AUGUST, 2021

PER COURT :

1. The petitioner is challenging the order passed by the authority under the Registration of Births and Deaths Act, thereby canceling the entry of death recorded of Khatija Bee Shaikh Mahiyoddin Qureshi, resorting to Section 15 of the Registration of Births and Deaths Act.
2. We have heard the learned counsel for the petitioner and so also, the learned counsel for respondent No.2.
3. The dispute appears to be about the date of death of Khatija Bee. The petitioner claims to be nephew of Khatija Bee. According to the petitioner Late. Khatija Bee died on 29-08-2018. Respondent No.2 claims that the father of respondent No.2 was

adopted son of Khatija Bee and Khatija Bee died in the year 1992.

4. There is no authenticated document on record to come to a conclusive findings. The matter involves disputed questions of fact. The date of death is not confirmed, nor the relationship of the petitioner and respondent No.2 with Khatija Bee, can be conclusively established in the present proceedings. In the light of above, we are not inclined to entertain the present petition.

5. The petitioner may approach the Civil Court or any other Forum as may be permissible under law. In that event, all contentions are kept open.

6. Writ petition is disposed of. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)

SVH