

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-12961-2020 (O&M)
Date of Decision: January 29, 2021

GURNAM SINGH PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Anu Chaudhary, Advocate for
Mr. Amit Chaudhary, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

Mr. Deepak Manchanda, Advocate for respondents no.3 and 4.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

CM-1326-CWP-2021

For the reasons mentioned in the application, same is allowed as prayed for. Additional affidavit of the petitioner is taken on record, subject to just exceptions.

Application is disposed of.

CWP-12961-2020

Petitioner in this case is the unfortunate father of Nirmal Singh, who passed away in an accident, which took place on 15.02.2020. Nirmal Singh was initially admitted to M.M. Institute of Medical Sciences & Research, Mullana, District Ambala with a head injury. Intimation in this respect, it is

submitted, was conveyed to the concerned SHO by the hospital authorities. Due to critical condition, petitioner's son was referred to PGI, Chandigarh. However, petitioner's son passed away on 16.02.2020 while being taken to PGI, Chandigarh. His cremation ceremony was conducted at their village on the same day. Petitioner applied for issuance of a death certificate at the Saral Portal with the application mentioned to be submitted at Primary Health Centre, Registrar Rural (Primary Health Centre-Primary Health Centre, Ugala). Death certificate of petitioner's son was not issued. Ultimately, petitioner was constrained to file present writ petition.

As per short reply, by way of affidavit of Registrar, Birth & Death, Municipal Corporation, Ambala City, it is submitted that the doctors of PGI, Chandigarh had declared Nirmal Singh son of Gurnam Singh to be dead, therefore, registration of his death has to be carried out by the Registrar, Birth & Death, PGI, Chandigarh and not by the PH, Ugala, District Ambala or the Municipal Corporation, Ambala City.

Petitioner has taken a specific stand that his son passed away on the way to PGI, Chandigarh. He was not even taken inside emergency ward of PGI, Chandigarh and the doctors had informed petitioner that his son was dead. No registration or documentation whatsoever was carried out at PGI. A specific affidavit dated 22.01.2021 in this regard has been filed by petitioner.

In this view of the matter, learned counsel for respondents no.3 and 4 submits that as petitioner's application, acknowledgment of which is attached as Annexure P-1, has been routed to an incorrect Department i.e. Primary Health Centre, Registrar, Rural and not to the Registrar, Birth and Death, Municipal Corporation, Ambala, in case, petitioner submits a fresh application to the Registrar, Birth and Death, Municipal Corporation, Ambala

alongwith an application for condonation of delay, same shall be considered and in view of specific affidavit filed by petitioner that no documentation etc. was carried out at PGI, Chandigarh, death certificate shall be issued expeditiously. No other impediment to issuance of the death certificate has been brought to my notice.

I have heard learned counsel for the parties.

I do not find any justification in asking the petitioner to file an application for condonation of delay in this matter. In case, petitioner's application for issuance of death certificate, which was admittedly submitted well within 21 days as stipulated under the Registration of Births and Deaths Act, and applicable Rules, has been routed to a wrong Department, poor petitioner cannot be held responsible for the same. He has admittedly deposited required fee.

Keeping in view the facts and circumstances and the stand of the respondents, it is directed that in case petitioner submits a fresh application before the Registrar, Birth and Death, Municipal Corporation, Ambala, within 10 days, necessary action thereon be taken by the authorities without any insistence upon an application for condonation of delay as the application would be deemed to have been submitted on 25.02.2020 itself, which is well within the period stipulation under the Registration of Births and Deaths Act, 1969. Needless to say, in case, any further fees or amount as per the Act is required to be deposited, petitioner shall do the needful. Death certificate be issued within two weeks thereafter, in accordance with law.

Petition is disposed of accordingly.

29.01.2021

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No