

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 960 of 2024

KAWRE
KIRAN
KALYAN

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Date: 2024.01.23
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Priti Ganesh Pawar

... Petitioner

Versus

The Ward Officer "G" Ward Office, Airoli & Ors.

... Respondents

Mr. Mikdad Zummerwala a/w Ms. Sonal Pawar, for Petitioner.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 22 JANUARY, 2024

P.C.

1. This petition is filed praying for the following only relief which reads thus :-

“a. This Hon’ble Court be pleased to issue a Writ of Mandamus or any other writ in the nature of mandamus declaring Mrs. Esmeralda Martha Khursid Alam as dead in terms of section 108 of The Indian Evidence Act, 1872 and issue directions to the Respondent No.1 to register the death of Mrs. Esmeralda Martha Khurshid Alam and issue death certificate accordingly;”

2. It would not be possible to grant such declaratory relief to the petitioner in the proceedings of a Writ Petition under Article 226 of the Constitution.
3. At this stage, learned counsel for the petitioner submits that the petitioner had already approached the Civil Court at Belapur, Navi Mumbai, with a plaint, however, the plaint of the petitioner is not being registered on the ground that the missing report is not placed on record. It cannot be that the

registry of the Civil Court would not register the plaint of the petitioner. Accordingly, the plaint of the petitioner needs to be registered and place before the appropriate learned Civil Judge who shall look into the plaint on all the issues and pass appropriate order in accordance with law.

4. In the event, the petitioner has any grievance against any order which may be passed by the Civil Court, the petitioner is at liberty to pursue appropriate remedy as may be available to the petitioner. Let the plaint be presented by the petitioner within one week from today.

5. Disposed of. No costs.

6. All contentions of the parties are expressly kept open.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)