

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CWP-12065-2016 (O&M)

Date of decision: 04.03.2024

SETHA RANAPetitioner

VERSUS

STATE OF HARYANA & OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Deepak Jindal, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present writ petition is for seeking issuance of directions to the respondents to register the date of birth of Robin Rana-son of the petitioner as per the documents submitted by him as per Rules.
2. Learned counsel appearing on behalf of the petitioner contends that the petitioner was blessed with his son named as Robin on 10.11.1995 in his village Agondh, Tehsil & Distt. Karnal and it was a premature delivery i.e. on expiry of a period of 31 weeks. However, the petitioner could not get the date of birth of his son registered in the office of Registrar,

Births and Deaths, Karnal due to ignorance of benefits/importance of such an entry.

3. It is further argued that the date of birth of Robin was so recorded as 10.11.1995 in all documentation since his birth i.e. admission form, exam form etc. It is submitted that the petitioner submitted an application for registration of date of birth of his son Robin alongwith all the above said required documents and also the reports of Dai, Chowkidar, Sarpanch, Numbardar, A.N.M. and one other witnesses namely Vinod Kumar. A copy of the said affidavit alongwith recommendation of the doctor of Community Health Centre was also furnished for registration of Birth, however, the Registrar of Birth & Death refused to register the same only on the ground that the difference between the date of birth of Robin on 10.11.1995 and his elder daughter who was born on 28.02.1995 is less than 10 months and 15 days and that it could not have been possible to conceive and deliver a child within such period.

4. Notice was issued to the respondents wherein the reply was filed by the respondent-State and as per the reply, specific objections was raised that the elder female child was born to the petitioner on 28.02.1995 and as per the medical jurisprudence, a women can conceive as early as 06 weeks after delivery if she is not using any contraceptive. Hence, there had to be a minimum period of 37 weeks and any child born prior thereto is likely to suffer numerous medical problems due to preterm deliveries.

5. Pursuant thereto an interim order was passed by this Court on 04.07.2018, the petitioner appeared before the Medical Board of PGIMER, Chandigarh. A report dated 23.07.2018 has been received from PGIMER, Chandigarh which reads thus:-

A medical board was constituted in pursuance of the orders received from Superintendent (Writs) Hon'ble Punjab and Haryana High Court, Chandigarh for expert opinion in CWP No. 12065 of 2016 titled as Setha Rana Versus State of Haryana vide order No. EV(9) PGI-MS/MA-63/2018

The meeting of the board was conducted at 11:00 am. The opinion of the board is as follows

1. With the dates given to us with the date of birth of the two babies, it is possible that she could have conceived within one month of the first delivery.

2. If the baby is born preterm at 31 weeks, it is possible for the baby to survive even at home without any additional medical care.

Prof. G.R.V Prasad Professor
Professor
Deptt of Obs Gynae

Prof. Kanya Mukhopadhyay
Professor
Deptt of Pediatrics

Dr. Seema Chopra Dr. Aditi Mehra
Additional Professor Senior Resident
Deptt of Obs Gynae Deptt. Of Hosp Admn

6. It is evident from a perusal of the above said report that it was possible that she could have conceived within a period of month of the first delivery and that such a baby could survive even at home without any additional medical care.

7. On the given circumstances, the objection raised by the respondents in their written statement can safely be disregarded in light of the expert evidence submitted by the Medical Board of PGIMER, Chandigarh. There is also no claim by any other person that there was some other child born to the petitioner and/or that the Robin Rana is not a natural born child of the petitioner. In the given peculiar facts and circumstances and considering the documentary evidence, the recommendation of the Doctor, the report of the medical Board and lack of any other counter claim/objection by the third party, I deem it appropriate to allow the instant

petition. The Registrar, Birth and Death is directed to register the date of birth i.e. 10.11.1995 in accordance with the date of birth as figures in other documents i.e. the admission form etc. of the petitioner.

The instant writ petition stands allowed and IOIN-CWP-12065-2026 is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 04, 2024
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No