



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2641 OF 2025

Sushma W/o Sharad Thete
@ Sushma D/o. Ramkrushna Waman
Age : 38 years, Occupation – Service
R/o. C/o. Ramkrushna Waman
H.No. D-71/1, Shivajinagar,
11th Scheme, Chh. Sambhajnagar .. Petitioner

Versus

The Commissioner,
Chhatrapati Sambhajnagar,
Municipal Corporation, Town Hall,
Chhatrapati Sambhajnagar and others .. Respondents.

...
Advocate for the petitioner : Mr. Sanket S. Kulkarni h/f.
Mr. Suvidh S. Kulkarni
...

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRADE, JJ.**

DATE : 28 MARCH 2025

ORDER (MANGESH S. PATIL, J.) :

Heard the learned advocate for the petitioner.

2. This petition substantiates a common experience as to how a matrimonial dispute is genesis for multiple litigation. Apart from the series of litigations in the form of divorce proceeding, restitution proceeding, domestic violence cases, maintenance, child custody, the present petition in that series, is an addition. This demonstrates as to

what extent the parents embroiled in a matrimonial dispute, can go to satisfy their ego.

3. The petitioner who is the wife of respondent no. 3, is seeking a writ of *mandamus* directing respondent no. 2 – municipal authorities to record her name in the birth record of their child as a single parent and for issuance of such a birth certificate.

4. We have heard the learned advocate for the petitioner who endeavours to justify the prayer and cites the decisions in the matter of ***ABC Vs. Bombay Municipal Corporation of Greater Mumbai through its Municipal Commissioner and others; 2018 SCC OnLine Bom 868*** and ***ABC Vs. Mumbai Municipal Corporation at Gr. Mumbai and another; 2018 SCC OnLine Bom 1019***.

5. It is quite evident that the petitioner, in order to satisfy her ego, is not bothered about the interest of the child. The child has not even been made a party. The relief being claimed, clearly demonstrates that she can go to the extent of treating her child as if it is a property in respect of which she can claim some rights, ignoring the interest and welfare of the child. In all such matters, the welfare of the child is of paramount consideration. The very request of the petitioner for recording her name as a single parent in the birth record, undermines the child's interest.

6. One wonders as to how a mother for whatever reason, could wish to mask its paternity. It is not that she is disputing that respondent no. 3 has fathered the child. Only because she alleges that he has never seen the face of the child and is addicted to vices that she claims it gives right to her to be recorded in the birth record as a single parent. The issue, in our considered view, is quite a serious and the petitioner, in spite of being the biological mother, cannot insist therefor.

7. The afore-mentioned cases before the Supreme Court and the Bombay High Court were peculiar, inasmuch as the petitioners therein were unwed mothers. It is pertinent to note that in spite of the appellant before the Supreme Court was an unwed mother, in order to ensure that the child's right to know identity of his father was not vitiated, undermined, compromised or jeopardized, the Supreme Court had interviewed the appellant, impressed upon her and made her to disclose the name of the father with some particulars, which were placed in an envelope which was duly sealed, with a further direction that it should be read only pursuant to a specific direction of the Supreme Court. This clearly underscores the right of a child how he wishes to be known by the society. Neither of the parents can exercise any right in respect of the child's birth record.

8. In the light of above, we have no manner of doubt that the petition is a sheer abuse of the process and waste of precious time of this Court.

9. Writ petition is dismissed with costs of Rs.5,000/- (Rs. Five Thousand), to be deposited in this Court within two weeks, else shall be recovered as arrears of land revenue.

[Y. G. KHOBRADE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/