

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10207 OF 2024

Ibbrahim Shamshuddin Shaikh

.. Petitioner

Versus

The Commissioner,
Nashik Municipal Corporation & Ors.

.. Respondents

.....

- Mr. Shriram Kulkarni a/w Mr. Gaurav Ugale, Advocates for Petitioner
- Mr. R.D. Soni a/w Mr. Tushar R. Momaiyah i/by Ram & Co. for Respondent Nos. 3 & 4
- Ms. V.R. Raje, AGP for Respondent No. 5 - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 28, 2025

P. C.:

1. Heard Mr. Kulkarni, learned Advocate for Petitioner; Mr. Soni, learned Advocate for Respondent Nos. 3 & 4 and Ms. Raje, learned AGP for Respondent No. 5 - State.

2. Order dated 12.12.2023 passed by Medical Officer, Nashik Municipal Corporation impugned in the present Petition is an appellable order under the provisions of Section 25A of the Registration of Births and Deaths (Amendment) Act, 2023. Statutory Appeal not having been filed, the present Petition is filed to invoke the jurisdiction of this Court.

3. Mr. Kulkarni would submit that the Statutory Appeal shall be filed within a period of one week from today.

4. Needless to state that the Statutory Appeal prescribes limitation of 30 days for filing the Appeal to challenge the order passed by the Medical Officer for cancellation of birth certificate. Mr. Kulkarni would submit that due to pendency of the present Writ Petition, there would be delay in filing the said Appeal and therefore the period consumed in prosecuting the present Writ Petition be excluded. He would submit that in view thereof in the interest of justice delay beyond 30 days may also be condoned by this Court.

5. I have considered the submissions made by Mr. Kulkarni. The delay beyond 30 days in filing the Appeal as directed herein above by the Petitioner before the Appellate Authority stands condoned in the interest of justice so as not to protract the issue further.

6. If the Statutory Appeal is filed as directed herein above, Appellate Authority is directed by this Court to determine the same within a period of four weeks from the date of filing after hearing all concerned parties on its own merits and in accordance with law.

7. All contention of the parties are expressly kept open.

8. Writ Petition stands disposed in the above terms.

[MILIND N. JADHAV, J.]

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by RAVINDRA
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