

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION***

***WRIT PETITION NO.1718 OF 2025***

Yolanda Magdalena Dias @  
Yolanda Magdalena Salins  
Through her Power of Attorney ... Petitioner  
Melba Estrela Dias

*Versus*

Municipal Corporation of Greater ... Respondent  
Mumbai

Mr. Cesar Pereira for the Petitioner

Mr. R. Y. Sirsikar for the Respondent -Corporation

**CORAM : REVATI MOHITE DERE &  
SANDESH D. PATIL, JJ.  
MONDAY, 13<sup>th</sup> OCTOBER 2025**

**P.C. :**

1 Heard learned counsel for the parties

2 The petition has been filed by Yolanda Magdalena  
Dias alias Yolanda Magdalena Salins, through her Power of  
Attorney holder, her mother, Melba Estrela Dias.

3           By this petition, the petitioner has impugned the order dated 20<sup>th</sup> September 2024, whereby the respondent-Corporation declined to effect the correction of the petitioner's name in her birth certificate, specifically, to correct the father's name from Michael Dias to Jose Miguel Trindade Do Rosario Dias and the mother's name from Melba to Melba Estrela Dias.

4           Learned counsel for the petitioner submits that despite placing on record documents demonstrating that the names of the petitioner's father and mother were incorrectly reflected in the birth certificate, the respondent-Corporation failed to apply its mind and passed the impugned order.

5           Learned counsel for the petitioner has tendered an affidavit of the petitioner dated 13<sup>th</sup> October 2025. The same is taken on record.

6           In the said affidavit, the petitioner has relied on the Death Certificate issued by the Corporation dated 1<sup>st</sup> February 2008 in the name of Michael Dias (Jose Miguel Trindade Do Rosario Dias), showing that both names refer to the same person. The said Death Certificate is annexed as Exhibit A to the said affidavit.

7           The petitioner has further in the affidavit stated that the Village Panchayat, Orlim, Goa, has also issued a Certificate dated 6<sup>th</sup> May 2004, wherein it is reflected that Michael Dias and Jose Miguel Trindade Do Rosario Dias are one and the same person. The said Certificate is annexed as Exhibit B to the said affidavit.

8           The petitioner has, in her affidavit, further submitted that Form No. 4 (Rule 7) submitted to the MCGM, P/North Ward, and forwarded to the Registrar along with Form No. 4 (Death Report), records the cause of death and the name of the

deceased as Michael Dias (Jose Miguel Trindade Do Rosario Dias), to establish that both names refer to one and the same person. The said affidavit is annexed as Exhibit 'C' to the affidavit.

9            Learned counsel appearing for the respondent-Corporation states that the correction sought earlier in the names, was based on the documents submitted to the authority. However, in view of the additional documents filed by the petitioner today, learned counsel for the respondent-Corporation, on instructions, states that the petitioner can file a fresh application seeking the same relief. He further states that the authorities will consider the application on its own merits, uninfluenced by its earlier order dated 20<sup>th</sup> September 2024. Statement accepted.

10           In view of the above, we permit the petitioner to file a fresh application seeking the same reliefs as prayed for in the present petition, within two weeks from today.

11           If a fresh application is filed, the respondent-Corporation, after verification of the documents annexed to the affidavit filed today, to decide the said application within three to four weeks, and pass orders on the petitioner's application seeking correction of the names of her parents in her Birth Certificate, uninfluenced by its earlier order of rejection.

12           The petition is allowed and disposed of on the above terms.

13           All concerned shall act on the authenticated copy of this order.

**SANDESH D. PATIL, J.**

**REVATI MOHITE DERE, J.**