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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.8960 OF 2025

1. Apurva Kiran Atre,	)	
Age – 32, Occu : - Service,	)	
Residing at I-304, Jasminium,	)	
Magarpatta City, Hadapsar,	)	
Pune – 411 028.	)	
	)	
2. Mr.Ashish Anilkumar Shrungarpure,	)	
Age – 45, Occ : Service,	)	
Residing at I-304, Jasminium,	)	
Magarpatta City, Hadapsar,	)	
Pune – 411 028.	)	...Petitioners
	)	
..Versus..	)	
1. Pune Municipal Corporation,	)	
Through its Commissioner,	)	
Main Building, Near Mangala	)	
Theatre, Shivajinagar,	)	
Pune – 411 005.	)	
	)	
2. Pune Municipal Corporation,	)	
Through its Asstt. Commissioner,	)	
Hadapsar Mundhwa Ward,	)	
Hadapsar, Pune – 411 028.	)	...Respondents

Dr.Uday Warunjikar with Ms.Gargi Warunjikar i/b Mr.Sumit Kate and Mr.Aditya Kharkar for the Petitioners.

Mr.Vishwanath Patil for the Respondents.

Dr.Swati Ghanwat, Deputy Registrar – Birth & Death
Department for the Respondents Corporation.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**
DATE : 23RD DECEMBER, 2025.

JUDGMENT (Per Sandesh D. Patil, J.) :-

1. Rule. Rule is made returnable forthwith with the consent of the parties and taken up for final disposal.

2. By the present Petition, the Petitioner seeks the following relief :-

“a) Be pleased issuing a Writ of Mandamus or Writ in the nature of Mandamus or any other appropriate writ, order and direction in respect of the relief prayed by the present Petitioners by directing the Respondents Nos. 1 and 2 to issue a fresh birth certificate of child-Kartik, by deleting the name of "Harshvardhan Singh Yaduvanshi" from the name of father and add father's name as "Ashish Anilkumar Shrungarpure", as per the direction issued in paragraph 19 of the Judgment of the Supreme Court of India (Exhibit L) and further be pleased to direct the Respondents not to share, disclose, circulate and/or give inspection of the record about the birth of the child mentioned hereinabove".

3. On 11th December, 2025, we had recorded in the order the submission of the learned counsel appearing for the Respondents as under :-

“3. Learned Counsel for the respondents, on instructions of the respondents states that the petitioners application seeking issuance of fresh birth certificate of her child - Kartik will be reconsidered by the authority uninfluenced by the earlier decision taken. He submits that the said decision will be taken in any event by 22nd December 2025. The decision to be placed before us on the next date.”

4. Accordingly, the matter appeared before us on 23rd December, 2025, however, it is noted that the order dated 11th December, 2025 is not complied with by the Respondents in as much as the decision was not taken by the Respondents, by the date stipulated in the order dated 11th December, 2025. We are therefore, constrained to pass this order.

p5. Dr.Uday Warunjikar, learned counsel appearing for the Petitioner states that the Petitioner No.1 was married to Mr.Harshvardhan Singh Yaduvanshi. From the said marriage, there are two daughters. The Petitioner No.1 and her then husband filed an application for divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955. On 18th July, 2023, the Petition was allowed. The Petitioner No.1 was living

separately from 3rd October, 2021 from her erstwhile husband till the decree of divorce was passed. The Petitioner No.1 was living in a live in relationship with the Petitioner No.2 during that time, when she became pregnant and delivered a child on 7th April, 2022. At the time of her delivery, the Petitioner No.1 was legally married to Mr.Harshvardhan Singh Yaduvanshi, however, the biological father of the child was Petitioner No.2. The name of the child (son) Kartik was thus recorded as “Kartik Harshvardhan Singh” by the Authorities, as the Petitioner No.1 was still married to Mr.Harshvardhan Singh Yaduvanshi. The Petitioner No.1 after realizing the error, approached the Respondents for making the necessary correction in the father’s name (father of Kartik) in the birth certificate of Kartik. The Petitioner No.1 as well as her newly wedded husband, who is the biological father of Kartik, moved an application jointly and both gave notarized affidavits in support of their request stating that the child Kartik is their son and that the Petitioner No.2 is the biological father of the child. The erstwhile husband of the Petitioner No.1 viz. Mr.Harshvardhan Singh Yaduvanshi had also given his affidavit

stating that the birth certificate wrongly recorded his name as the father of the child Kartik. Those affidavits are produced by the Petitioner at “**Exhibit-E**” to the Petition.

6. Dr.Uday Warunjikar, learned counsel for the Petitioners submits that inspite of the applications and follow up, the Respondents were not correcting the name of the father of the child Kartik in the birth certificate. The Petitioner No.1 relied upon the judgment of the Apex Court before the Respondents however, the Respondents were not considering the same. Dr.Warunjikar relied upon paragraph 19 of the judgment of the Apex Court in the matter of *ABC vs. The State (NCT of Delhi) delivered in Civil Appeal No.5003 of 2015.*

7. Pursuant to the notice issued to the Respondents, the Respondents appeared in the aforesaid Petition. As noted earlier, at the time of hearing of the matter on 11th December, 2025, learned counsel for the Respondents **on instructions** of the Respondents had stated that the application seeking issuance of a

fresh birth certificate of the child – Kartik will be considered by the Authorities, uninfluenced by the earlier decision taken. Despite the said statement made by the learned counsel for the Respondents, the Authorities failed to take necessary steps. Dr.Swati Ghanwat, Deputy Registrar – Birth & Death Department of the Respondent No.1 is present in the Court. Upon being asked about the reason for not passing the order, she stated that this Court may pass the order and that the Department will have some difficulty in passing the order. We are highly perturbed by the statement made by Dr.Swati Ghanwat, the officer of the Respondent No.1. We feel that this is nothing but a classic case of the officers abdicating their duty. We have perused the judgment of the Apex Court in the matter of **ABC vs. The State (NCT of Delhi)** (supra), the directions given in the following paragraph of the judgment of the Apex Court are very important and are required to be noted.

“19.....

Accordingly, we direct that if a single parent/unwed mother applies for the issuance of a Birth Certificate for a child born from her womb, the Authorities concerned may only require her to furnish an affidavit to this effect, and

must thereupon issue the Birth Certificate, unless there is a Court direction to the contrary. Trite though it is, yet we emphasise that it is the responsibility of the State to ensure that no citizen suffers any inconvenience or disadvantage merely because the parents fail or neglect to register the birth. Nay, it is the duty of the State to take requisite steps for recording every birth of every citizen. To remove any possible doubt, the direction pertaining to issuance of the Birth Certificate is intendedly not restricted to the circumstances or the parties before us.”

8. This judgment and order of the Apex Court, was placed before the Respondent Authorities. Despite the decision of the Apex Court, the Respondents have abdicated their duty. The approach is highly condemnable. In the light of authoritative pronouncement of the Apex Court, especially the observation of the Apex Court that citizens should not suffer any hardship and that it was the responsibility of the State to take requisite steps of recording entries in the birth and death register.

9. Dr.Warunjikar also relied upon the judgment of this Court (Coram : G.S. Patel and Kamal Khata, JJ.) dated 12th September, 2023 passed in Writ Petition No.8454 of 2023 titled **M. vs. Navi Mumbai Municipal Corporation through its Commissioner & Anr.** In the said judgment, this Court faced with

a similar situation, had issued direction to the Corporation to correct the name of the child in the birth certificate. The said judgment is annexed as **Exhibit-N** to the Petition. In spite of the said judgments of the Apex Court as well as this Court being annexed to the Petition, failure on the part of the Respondents to make necessary changes in the name of the father of the child – Kartik, clearly exhibits apathy towards the hardship of the citizens, non-application of mind and contemptuous approach of the Authorities towards the judgment of the Apex Court as well as of this Court.

10. The Petitioner No.1 and the Petitioner No.2 who are biological parents of the child, have filed their affidavits stating that the child is from the biological parents. The erstwhile husband of the Petitioner No.1, Mr. Harshvardhan Singh Yaduvanshi, has also filed his affidavit. In this view of the matter, we are startled by the lackadaisical approach of the Respondent Authorities. We express our strongly displeasure at the conduct of the Respondents especially lack of sensitivity towards the hardship

faced by the citizens. We feel that this is a case where action under the Contempt of Courts Act ought to be initiated against the officer of the Corporation, however, we exercise our self-restrain. We however make it clear, that if in the future, the Respondents fail to abide by the judgments, the officer concerned would be saddled with costs, in addition to any other action, the Court deems so fit. With this observation, we allow the present Petition.

11. Rule is made absolute. The Respondent Nos.1 and 2 are directed to issue a fresh birth certificate of child-Kartik, by deleting the name of "Harshvardhan Singh Yaduvanshi" as the name of his father and add his father's name as "Ashish Anilkumar Shrungarpure".

12. Petition is disposed of accordingly.

13. All parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)