

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1990 OF 2025

Amit Prabhakar Pendurkar

.....Petitioner

Vs.

Panvel Municipal Corporation & Anr.

.....Respondents

Ms. Deepali Bagla a/w Mr. Prashant Nakati, Ms. Afrin Shaikh & Mr. Aniket Poojari, for the Petitioner.

Mr. Abhijeet Deshmukh, for Respondent No.1.

Ms. P. P. Shinde, APP for Respondent-State

CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.

DATE : 7th APRIL 2025.

ORAL ORDER: *(PER REVATI MOHITE DERE, J.)*

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal.
3. By this Petition, the Petitioner essentially seeks a direction to the Respondent No.1- Panvel Municipal Corporation, to issue a Birth Certificate in the name of Master Shriaansh Amit Pendurkar S/o

Amit Prabhakar Pendurkar and Shamika Amit Pendurkar within one week.

4. The Petitioner is the father of the male minor child- Master Shriaansh Amit Pendurkar. It appears that the Petitioner got married to Smt. Shamika Amit Pendurkar in the year 2013 and from the said marriage, a male child- Shriaansh was born on 23rd March 2021 at Neel Clinic, New Panvel.

5. According to the Petitioner, as Shriaansh was born during the Covid-19 period, it appears that the hospital authorities, inadvertently did not report the birth of Shriaansh to the Respondent No.1, resulting in non-issuance of birth certificate by the Respondent No.1- Panvel Municipal Corporation. To the petition, the Petitioner has annexed the birth card and the Letter issued by the hospital i.e. Neel Clinic, New Panvel, confirming the birth. The said documents are at Exhibits “A” and “B” to the Petition.

6. It appears that in 2024, the Petitioner’s minor son was detected with medical complications and it was only when the hospital and the medical authorities requested for a birth certificate, the

Petitioner approached the Respondent No.1- Panvel Municipal Corporation for issuing of the birth certificate. It also appears that the Petitioner filed a Petition under Section 13(3) of the Registration of Births and Deaths Act, 1969 before the Learned Judicial Magistrate First Class, Panvel seeking a direction to the Respondent- Authority i.e. Panvel Municipal Corporation to enter the birth details of the Petitioner's son- Shriaansh Amit Pendurkar, in the concerned birth records and issue birth certificate to the Petitioner. It appears that before the Magistrate all documents including paper publication as directed were produced. It also appears that none have raised objections to the contents of the Application.

7. We are informed by the learned counsel for the Petitioner, that at present there is no District Magistrate at Panvel to take up the Petitioner's application and hence, in view of the urgency and considering the serious ailment of the Petitioner's son, the aforesaid petition is filed in this Court.

8. It appears that Shriaansh, aged 4 years is suffering from 4th stage blood cancer i.e. High Risk Neuroblastoma/non infantile stage M/ BM positive and requires Autologous stem cell transplant every week.

9. It appears the medicines are required to be procured from foreign countries and for which birth certificate is required. Learned counsel for the Respondent No.1- Panvel Municipal Corporation, on instructions, states that if a direction is given by this Court, the birth certificate will be issued within 48 hours from today. Statement accepted.

10. Considering the extreme urgency and what is stated herein above and in particular the condition of Shriaansh, we deem it appropriate, in the peculiar facts of this case, to direct the Respondent No.1- Panvel Municipal Corporation to forthwith issue a birth certificate in the name of Shriaansh Amit Pendurkar.

11. In view of the unprecedented situation and considering the medical treatment of the minor child and since the District Magistrate Panvel Court is vacant, we have passed this order. This order shall not be treated as precedent.

12. With the aforesaid directions, Rule is made absolute and the Petition is allowed and disposed off on the aforesaid terms.

13. We deem it appropriate to observe that in cases such as

these, the Magistrate must decide the said Petitions/Applications expeditiously as this would lead to failure of justice.

14. All parties to act on an authenticated copy of this order.

15. Stand over to 15th April 2025 “For Recording Compliance”.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)