

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.972 OF 2024

Minaxi B. Parmar ...Petitioner
Versus
The State of Maharashtra
(Through the Chief Register) & Ors. ...Respondents

Mr. Mandar Soman, a/w Mr. Aditya Rai, Divakar Rai,
Vayukumar Tiwari and Mr. Nitin Rai i/b. Mr. Ramchandra
Rane for Petitioner.

Ms. Madhura Deshmukh, AGP, for Respondent No.1.

Ms. Anuja Tirmali i/b. Ms. Komal Punjabi, for the Respondent
No.2 & 3 – BMC.

Dr. Mahendra Khandade, Mumbai- K East Ward present in
Court.

Mr. Akshay Patil a/w Ms. Nisha Shah i/b. Kalpesh Joshi
Associates for Respondent No.4.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 3 October 2025

Oral Order (Per : M.S. Sonak, J.):-

1. Heard Mr Mandar Soman, learned counsel for the
Petitioner, Ms Anuja Tirmali, appears for the 2nd and 3rd
Respondents (MCGM), and Mr Akshay Patil appears for the
4th Respondent.

2. Rule. The Rule is made returnable forthwith at the
request of and with the consent of the learned counsel for the
parties.

3. The Petitioner seeks an appropriate writ upon the 2nd and 3rd Respondents (MCGM) to issue a death certificate concerning the late Mr Narendra Tansukhlal Shah to the Petitioner or her authorised representative as per the procedure prescribed.

4. Mr Akshay Patil submits that the Death Certificate, to date, does not disclose the particulars regarding the cause of death as entered in the register. He submits that under such circumstances, the relief as prayed for by the Petitioner may not be granted, or in the alternative, he submits that the MCGM and the State Authorities should be directed to disclose the cause of death.

5. Mr. Soman refers to Section 17 of the Registration of Births and Deaths Act, 1969, which reads as follows:-

“S.17. Search of births and deaths register. - (1) Subject to any rules made in this behalf by the State Government, including rules relating to the payment of fees and postal charges, any person may -

- (a) cause a search to be made by the Registrar for any entry in a register of births and deaths; and
- (b) obtain an extract from such register relating to any birth or death:

Provided that no extract relating to any death, issued to any person, shall disclose the particulars regarding the cause of death as entered in the register.

(2) All extracts given under this section shall be certified by the Registrar or any other officer authorised by the State Government to give such extracts as provided in section 76 of the Indian Evidence Act, 1872 (1 of 1872), and shall be

admissible in evidence for the purpose of proving the birth or death to which the entry relates.”

6. Considering the above provision, therefore, we see no difficulty granting the Petitioner the relief claimed in this Petition in strict accord with the main provision and its proviso. As regards the opposition and/or grievance of the 4th Respondent, it is open to the 4th Respondent to pursue appropriate remedies as may be available under the law. In any event, in terms of the proviso to Section 17(1), in the extract relating to any death, issued to any person, the particulars relating to the cause of death as entered in the register are not supposed to be disclosed.

7. Accordingly, we make the Rule absolute in this Petition and direct the 2nd and 3rd Respondents to issue the Petitioner the necessary death certificate or the extract relating to the death of the late Mr Narendra Tansukhlal Shah by adhering to Section 17(1) of the said Act as expeditiously as possible and in any event within two weeks of the uploading of this order.

8. We clarify that we have not adjudicated, even remotely, any rival contentions concerning letters of administration or any other disputes between the parties.

9. All such contentions are left open for decision by the appropriate forum in the relevant proceedings. The fact that we have allowed this petition in no way reflects on the merits of the rival contentions.

10. All concerned are to act on an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J.)