

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

WRIT PETITION NO. 2431 OF 2024

Sumitra Rajendra Sharma ...Petitioner
Versus
Brihan Mumbai Municipal Corporation
Through Its Sub Registrar (birth And Death)
T Ward, MCGM. ...Respondent

Mr. S.S. Bedekar, a/w Swapnil Shanbhag, for Petitioner.

Ms. Jyoti Mhatre, i/by Adv. Komal Punjabi, for Respondent
No. 1-BMC.

Mr. Santosh Mahamuni, for Respondent No. 2.

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

DATED : 10 OCTOBER 2025

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

1. Heard learned counsel for the parties.
2. Rule. The Rule is made returnable immediately at the request of and with the consent of the learned counsel for the parties.
3. The petitioner claims to be the legally wedded wife of deceased, Rajendra Babu Gopal Sharma, who died on 5th April, 2021. The death certificate certifying the death of late Rajendra Babu Gopal Sharma was issued on 27th April 2021.

4. Even before the death certificate dated 27th April 2021 could be issued, the petitioner, by her application dated 7th April 2021, had written to the first respondent (Registering Authority) that she was the legally wedded wife of late Rajendra Babu Gopal Sharma. The second respondent had also written to the first respondent claiming that she was the legally wedded wife of deceased Rajendra Babu Gopal Sharma. The death certificate, dated 27th April 2021, however, records the name of the second respondent.

5. The petitioner now relies upon the provisions of Section 15 of the Registration of Births and Deaths Act, 1969, which reads as follows:-

“15. Correction or cancellation of entry in the register of births and deaths.—If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.”

6. The learned counsel for the petitioner submits that the petitioner's application of 7th April 2021 should have been treated as an application for correction or cancellation of entry in the death certificate dated 27th April 2021, and the entries in the Register of Birth and Deaths based upon such certificate were issued. He submits that directions may be

issued to the first respondent to dispose of this application in accordance with the law as expeditiously as possible.

7. The learned counsel for the second respondent points out that the civil suit has already been filed. He points out that a similar application was also made before the Magistrate, which was dismissed for want of jurisdiction. He submits that Section 15 contemplates an application to be made after an entry is made in the Registrar of Births and Deaths, and the application made on 7th April 2021 is not liable to be considered.

8. The learned counsel for the first respondent also submits that an application must be made after the entries are made in the Registrar of Births and Deaths. Therefore, the application dated 7th April 2021 may not have been considered.

9. We have considered the rival contentions and we think that the interest of justice will be met if the first respondent decides on the petitioner's objection to the inclusion of the second respondent's name and the exclusion of her name in the entries in the Registrar of Births and Deaths and the death certificate dated 27th April 2021 issued consequent to the demise of Rajendra Sharma.

10. There is no point in delving into the controversy over whether the application dated 7th April 2024 should be considered an application for correction or cancellation of entries. The very institution of this petition constitutes a

complaint or a request for correction or cancellation.

11. In any event, we permit the petitioner to supplement her complaint dated 7th April 2021 by filing a further detailed application along with evidence seeking correction or cancellation of the entry in the Registrar of Births and Deaths and in the death certificate dated 27th April 2021 within two weeks from the uploading of this order.

12. Further, we direct the first respondent to consider and dispose of in accordance with law, the petitioner's application dated 7th April 2021, read with the supplementary application that may now be filed under the liberty granted in this order, as expeditiously as possible and in any event within four months from the date of its receipt.

13. Section 15 contemplates an inquiry. This would include hearing the petitioner and the second respondent before the application dated 7th April 2021 and disposing of the supplementary application. The first respondent must follow the law and principle of natural justice and fair play, pass a reasoned order and communicate the same to the parties within this period of four months. We have not examined rival claims of the petitioner and the second respondent on the merits, and therefore nothing in this order needs to influence the first respondent when disposing of the petitioner's application and supplementary application. All contentions of all parties on the merits of the dispute are left open.

14. The Rule is made absolute in the above terms without any cost order.

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

(Advait M. Sethna, J)

(M.S. Sonak, J.)