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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 843/2025**

NITYA CHAUDHARY MINOR

.....Petitioner

Through: Mr. Vikram Saini, Adv. with
petitioner in person

versus

SH. AHSWANI KUMAR & ANR.

.....Respondents

Through: Mr. Abhinav Singh, ASC for MCD
with Ms. Charu Bansal & Ms
Deeksha Bansal, Advs.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **26.05.2025**

Hearing has been conducted through Video Conferencing.

CM APPL. 32934/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CONT.CAS(C) 843/2025

1. This petition alleges wilful disobedience of judgment dated 24th April 2024 passed in ***W.P.(C) No. 5695/2024*** where the following directions were passed, which are extracted below:

3. Learned counsel for the respondent/MCD who appears on advance notice submits that the birth certificate in question was issued on 30.11.2018 and the request for correction came to be made quite belatedly. She also



submits that in terms of Section 13(3) of Registration of Births and Deaths Act, 1969 an inquiry is required to be conducted by the SDM.

4. Learned counsel for the respondent submits that upon the petitioner approaching the concerned SDM and after the necessary inquiry, if a fresh application is filed by the petitioner for issuance of a new birth certificate, the same shall be considered and a decision thereon shall be taken up expeditiously.

5. Accordingly, the present petition stands disposed of with the direction to the petitioner to approach the concerned SDM for the purpose of conducting an inquiry as mandated under Section 13(3) of the Registration of Births and Deaths Act, 1969. The SDM is directed to complete the inquiry expeditiously and preferably within a period of 4 weeks from today.

6. Upon conclusion of the inquiry, the petitioner shall be at liberty to make a fresh application to the MCD for correction of birth certificate which shall be duly considered by the MCD.

2. It is stated by the petitioner that though a copy of report dated 28th March 2025 has been supplied to him, but there is no enclosure of bailiff's report.


OFFICE OF THE SUB DIVISIONAL MAGISTRATE (SARASWATI VIHAR)
GOVT. OF NCT OF DELHI, OLD MIDDLE SCHOOL BUILDING COMPLEX,
ROOM NO. 1, RAMPURA, DELHI - 110035

F.NO.SDM/SV/MISC/2024/2237 Dated:- 28/3/25

To
The Concerned (MCD),
Keshav Puram, Tri Nagar,
Delhi-110035

Sub: - Regarding of conduct an inquiry under section 13(3) of Registration of Birth and Deaths Act 1969 as per direction issued by Hon'ble court in WP civil No. 5695 of 2024 of 2024 decided on 24.04.2023.

Madam/Sir,

With reference to application Dairy No. 8371 dated 29/05/2024 received from Dharmendra, R/o 247, Rimal Wali Gali, Rampura, Delhi-35. As per Direction of Hon'ble High Court in WP(C) 5695/2024, Misc. Application 23505/2024 Dated 24/04/2024 regarding of conducting an inquiry as mandated under Section 13(3) of Registration of Births and Deaths act 1969. The inquiry report of Baliff SDM (SV) is hereby forwarded to Concerned MCD for making correction in the Birth Certificate by mentioning the correct Dated of Birth As 30/10/2015 by deleting the existing dated of Birth 28/02/2016, under Intimation to the applicant namely Nitya Chaudhary.

Encl: Baliff Report

Sub Divisional Magistrate
(SARASWATI VIHAR)



3. *Mr. Abhinav Singh*, GNCTD appearing on behalf of MCD and states that petitioner has to approach the *MCD Office, West Zone* in order that process can be completed regarding the birth certificate.
4. *Mr. Abhinav Singh* shall personally ensure that the concerned officers are informed about directions of this Court, in order that process can be completed and the competent officer in this regard shall ensure that issue of correction in birth certificate is complied with.
5. *Mr. Abhinav Singh* shall supply copy of bailiff report, which is mentioned in the SDM's report, as extracted above, to counsel for petitioner within this week itself and process of certificate correction be done within 4 weeks, thereafter.
6. With these directions, this petition stands disposed of with liberty to petitioner to revive the same in case of non-compliance.
7. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 26, 2025/SM/na