

Filed on	:	06/09/2021.
Registered on	:	06/09/2021.
Decided on	:	26/04/2022.
Duration	:	00Y., 07M., 20D.
<u>Exh.</u>	:	

**IN THE COURT OF THE METROPOLITAN MAGISTRATE,
66TH COURT, ANDHERI, MUMBAI.
(Presided by Vijay C. Gawai)**

C.C. NO. 950/N/2021

Mrs.Ravindra Kaur Bhatia
R/o. :- Flat No.101, Eden-4,
Near S.M.Shetty College,
Hiranandani, Powai,
Mumbai - 400076

.. Applicant.

V/s.

The Ward Officer,
M.C.G.M, "S" Ward, Mulund (West),
Mumbai.

.. Respondent.

Application for Registration of Death

Ld. Advocate for applicant. : Mr. Jivan Yuvraj Londhe
None : for Respondent.

J U D G M E N T
(Delivered on this 26th April 2022)

1. This is an application filed for registration of date of death of mother of applicant namely Nirmal Kaur Harijinder Singh Bhatia died on 20/08/2019 at the above-said address. She was expired due to acute atrial fibrillation & liver cirrhosis, hypertension & diabetes mellitus. Medical Certification of cause of death is issued by Dr.Vijay Prakash Mishra of Municipal Corporation of Greater Mumbai, regarding the

cause of death of the deceased. Due to inadvertence, applicant did not report the date of death of deceased to the Municipal Corporation of Greater Mumbai. Therefore, applicant was constrained to file present application. Finally, she prayed for grant of application.

2. Notice to the respondent was issued. It was served on Respondent. Respondent has filed its say at Exh.4. The points for determination along with my findings thereon are as under.

<u>SR. NO.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1	Whether applicant proves that her mother namely Nirmal Kaur Harijinder Singh Bhatia is died on 20/08/2019 at his home?	In the affirmative.
2	Whether applicant proves that the date and place of death of her mother was not recorded with B.M.C. record?	In the affirmative.
3	What order ?	Application is allowed.

REASONS

AS TO POINT NOS.-1 AND 2 : -

3. Both these points are interlinks with each other. So, I have taken them together for my discussion. In order to prove the case, applicant has filed her affidavit at Exh .2. Two more affidavits are filed at Exh.7 & 8 Medial Papers/Death Report at Exh.10. Paper Publication is at 9. Heard Ld. Advocate of applicant.

4. Applicant reiterated all the contents of application in her affidavit. Perusal of say of respondent at Exh.4 shows that the concerned date of death is not registered with the office of respondent. The applicant has produced documentary evidence in support of her

claim. Documentary evidence produced on record supports the case of applicant. Evidence produced on record remained unchallenged. Therefore, applicant proved the points under consideration. Hence, I answered the point nos. 1 and 2 in the affirmative.

AS TO POINT NO.-3 : -

5. In view of my findings on point nos. 1 and 2, application deserves to be allowed. Hence, I pass the following order.

ORDER

- 1] The application is allowed.
- 2] Respondent is directed to take the entry of date of death of mother of applicant namely **Nirmal Kaur Harijinder Singh Bhatia**, died on **20/08/2019** in the relevant register as per section 13 of the Registration of Birth and Death Act on prescribed fees as per rules.

Sd/-

(Vijay C.Gawai)

Date: 26/04/2022.

Metropolitan Magistrate,
66th Court, Andheri, Mumbai.