

C. C. NO. 780/N/2018

ORDER BELOW EXH. 1

1. The applicant Mrs. Sunita Rakesh Jaiswal has filed this application for the issuance of directions to the Medical Officer of Health/ Sub Registrar of Birth and Death H/East Ward, Prabhat colony for registration of birth of her daughter Rashi Rakesh Jaiswal.

2. I have carefully perused the application. The notice was issued to the Respondent. Say received with no objection without confirmation of home birth for want of proof.

3. The applicant submits that, her daughter namely, Rashi Rakesh Jaiswal was born on 26.11.2014 at the address mentioned in the application. I have perused the affidavits of applicant, affidavit of witnesses and documents. I have also perused copy of application made by applicant to Medical Officer, H/East Ward, Bandra for registration of birth of her daughter, supported by affidavit of applicant. The facts shows home birth on the given date.

4. It can be seen that the birth was not reported within stipulated period of one year. Section 13 of the Registration of Birth and Death act 1969 speaks about delayed registration of births and deaths. Its sub section 3 empowers the court of Judicial Magistrate for registering the delayed birth which is more than one year from its occurrence. The contention and the documents filed by the applicant appears to be correct and hence following order is passed :-

ORDER

1. The Application is allowed.
2. The Medical officer of Health/ Sub Registrar of Birth and Death. H/ East ward is hereby directed to register the birth of applicant's daughter on accepting prescribed fees as per rules.

Sd/-

(Sudhir N. Shinde)

Date : 18.12.2018
ssl.

Metropolitan Magistrate, 32nd Court,
Bandra, Mumbai.