



W.A.No.1696 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.1696 of 2026

S.Bhagyalakshmi
W/o. Dhanraj.R.
Plot No.84, 1st Main Road
Kargagambal Nagar,
Nandivaram-Guduvancherry Post,
Chengalpattu District -603 202.

.. Appellant

Vs.

1. The Registrar of Births and Deaths Department
Office of Registrar of Births and Deaths,
Greater Chennai Corporation
Chennai-600 001.

2. The Commissioner
Corporation of Chennai,
Ripon Building
Chennai-600 001.

3. The Zonal Health Officer
Greater Chennai Corporation,
Zone-10, No.117 N.S.K. Salai,
Kodambakkam,
Chennai 600 024.

.. Respondents



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Prayer :Appeal filed under Clause 15 of the Letters Patent seeking to set aside the order dated 11.03.2026 in W.P.No.9388 of 2026.

For Appellant : Mr.S.Viswanathan
For M/s. Dass and Viswa Associates

For Respondents : Mr.Abishek Murthy
Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Chief Justice)

The writ appeal has been filed under Clause 15 of the Letters Patent assailing the order dated 11.03.2026 passed in W.P.No.9388 of 2026, whereby, the writ petition filed by appellant was dismissed.

2. Appellant, in the writ petition, challenged the communication of third respondent dated 16.09.2025, by which, her claim to change father's name in the birth certificate of her son as R.Dhanraj, the name of her second husband, in the place of her first husband's name Senbagamoorthi, was rejected.



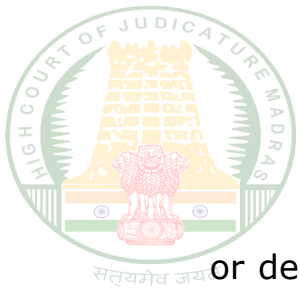
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3. On perusal of the application filed by appellant, it is seen that appellant's son was born on 10.01.2018 when the marriage of appellant with her first husband was in subsistence. They got separated through a decree of divorce on 05.12.2024. Subsequently, appellant married second respondent R.Dhanraj on 11.04.2025. Thereafter, she had filed an application before the Registrar of Births and Deaths, Chennai seeking to change father's name in the birth certificate of her son.

4. The learned Single Judge, while dealing with the issue, came to the conclusion that the writ petition itself is not maintainable since it involves purely disputed questions of fact, which can only be ventilated before a competent civil Court having jurisdiction and accordingly, dismissed the writ petition.

5. As per Section 15 of the Registration of Births and Deaths Act, 1969, an application for correction or cancellation of entry in the Register of Births and Deaths can be entertained only if it is proved to the satisfaction of the Registrar that any entry of a birth



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or death in any Register kept by him under this Act is erroneous in form or substance or has been fraudulently or improperly made, a correction can be carried out.

6. There is a presumption under Section 112 of the Indian Evidence Act, 1872 that any person born during the continuance of a valid marriage between his mother and any man or within 280 days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

7. In the instant case, admittedly, the first marriage was in subsistence when the child was born. The decree of divorce was passed only on 05.12.2024. The second marriage took place on 11.04.2025. Thereafter, the application seeking correction was filed under Section 15 of the Registration of Births and Deaths Act. It is for the appellant to lead evidence by filing appropriate suit in accordance with law.



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8. In the light of the aforesaid, we do not find any error in the order passed by the learned Single Judge. The writ appeal, being bereft of merits and substance, is dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
16.07.2026

Index : Yes/No
Neutral Citation : Yes/No

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To

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THE HON'BLE CHIEF JUSTICE
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