

JVS.

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

WRIT PETITION (L) NO. 6307 OF 2026

Mrs. N & Anr.	}	Petitioners
Versus		
1. Brihanmumbai Municipal Corporation,	}	
through its Commissioner, Mahanagarpalika	}	
Road, Mumbai-400 001	}	
	}	
2. The Medical Health Officer, Brihanmumbai	}	
Municipal Corporation, P/South Ward,	}	
Goregaon (W), Mumbai-400 104	}	Respondents

Digitally
signed by
JAYANT
VISHWANATH
SALUNKE
Date:
2026.07.14
11:29:02
+0530

Dr. Uday Warunjikar with Mr. Aditya Kharkar & Mr. Jinesh Jain for the Petitioners.

Ms. K. H. Mastakar for the Respondents-BMC.

Dr. Varsharani Gonde, Medical Officer of Health from P/South Ward present in Court.

**CORAM : RAVINDRA V. GHUGE, ACJ. &
RANJITSINHA RAJA BHONSALE, J.**

DATE : 13th JULY, 2026

P.C.:

1. We direct the Registry of this Court to permit the Petitioners to apply whitener at every place in the Petition wherever the names of the Petitioners have been typed. They shall be mentioned as ‘Mrs. N’ (Petitioner No. 1) and ‘Mr. L’ (Petitioner No. 2). Accordingly, masking of both these names in the entire record of the High Court shall be carried out expeditiously and it should be ensured that from no paper or even from the website of this Court, the names of the Petitioners would be disclosed.

2. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

3. This is a peculiar case. Considering the peculiar facts of this case, we are recording only those facts, which the Petitioners are agreeable to be recorded in this order.

4. Petitioner No. 1 was previously married to a person Mr. XYZ (name is camouflaged) on 14th February, 2006. No child was born out of the said marital relationship. There were differences between the parties and they started living separately. In 2013, the said couple filed an application under section 13-B of the Hindu Marriage Act, 1955. The marriage was dissolved by Judgment and Decree dated 19th October, 2013.

5. When the couple was living separately, before the Judgment and Decree dated 19th October, 2013, Petitioner No. 1 developed physical relation with Petitioner No. 2. A daughter was born on 14th December 2009, whose name is not being mentioned in this order. After the formal separation of the couple, Petitioner No. 1 married Petitioner No. 2. However, when the said daughter was born out of the extra marital relation, the name of the actual husband of the first Petitioner, (XYZ), was recorded in the birth

certificate, which was issued by the Municipal Corporation on 22nd March, 2010.

6. Petitioner No. 1 approached the Municipal Corporation after marrying Petitioner No. 2, for seeking correction in the name of the biological father. Both the Petitioners have averred on oath that they are the biological parents of the girl child. Reliance is placed upon a Judgment delivered by Hon'ble Supreme Court in **ABC vs. The State (NCT of Delhi)** in Civil Appeal arising out of **Special Leave Petition (Civil) No. 28367 of 2011** dated 6th July, 2015. Further reliance is placed upon a Judgment of this Court dated 13th March, 2018 delivered in **Writ Petition No. 723 of 2017 (ABC vs. The Bombay Municipal Corporation of Greater Mumbai and Ors)**. Reliance is also placed upon a Judgment dated 12th September, 2023 delivered by this Court in **Writ Petition No. 8454 of 2023 (M vs. Navi Mumbai Municipal Corporation and Anr.)**.

7. There is no dispute that if there is adequate material available on record, Section 15 of the Registration of Births and Deaths Act, 1969 can be invoked for correction of the birth certificate. Section 15 reads as under: -

“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 on 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.”

8. The Petitioners have placed on record a DNA test report dated 27th October, 2025 conducted for the purpose of paternity test for personal knowledge only. The relationship between Petitioner No.1 and Petitioner No. 2 is conceded. The combined paternity test is interpreted by concluding that the alleged father possesses the genetic markers that must be contributed to the child by the biological father. The probability of paternity is measured at 99.99%.

9. The biological mother, who is Petitioner No. 1, submits on oath that her then actual husband (XYZ) was not the biological father of the child. She avers that Petitioner No. 2 is the person with whom she had physical relation and the child was born. Petitioner No. 2 also concedes in this Petition, which is filed jointly, that he is the biological father of the girl child.

10. In view of the above, **this Petition is allowed** in terms of prayer clause (a), which reads as under: -

“(a) Be pleased issuing a Writ of Mandamus or Writ in the nature of Mandamus or any other appropriate writ, order and direction in respect of the relief prayed by the present Petitioners by directing the Respondents Nos. 1 and 2 to issue a fresh birth certificate of child – Angel, by deleting the name of [REDACTED] [REDACTED] [REDACTED] from the name of father and add father’s name as [REDACTED] [REDACTED] [REDACTED] [REDACTED]”, as per the direction issued in paragraph 19 of the Judgment of the Supreme Court of India (Exhibit – H) and further be pleased to direct the Respondents not to share, disclose, circulate and/or give inspection of the record about the birth of the child mentioned hereinabove.”

11. Rule is made absolute in the above terms. The corrected birth certificate be issued within a period of 30 days from today.

[RANJITSINHA RAJA BHONSALE, J.]

[ACTING CHIEF JUSTICE]