



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

264

RSA-248-2020

Date of decision : 16.07.2025

Rohit Dhankhar**..... Appellant****versus****District Registrar, Birth and Death, Sonipat and another****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Joginder Singh, Advocate
for the appellant.

Mr. Amandeep Joshi, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present appeal is directed against judgment and decree dated 28.05.2019 passed by District Judge, Panchkula whereby the appeal preferred by the respondents has been allowed to the extent that the decree passed by the Court of the First Instance has been set aside and the suit filed by the plaintiff has been partly decreed to the extent that he has been granted liberty to approach the appellant for making necessary correction in his date of birth from 14.05.1995 to 14.03.1996 after holding enquiry in terms of Section 15 of the Registration of Births and Deaths Act 1969 and Rule 11 of the Haryana State Birth-Deaths Registration Rule 2002 and correct their record in case any infirmity is discovered.

2. Plaintiff filed suit seeking declaration to the effect that his date of birth has been wrongly issued. Two mistakes were pointed out, one was with respect to date of birth. It was claimed that date of birth



of the plaintiff is 14.03.1996 and not 14.05.1995 and that his name has been wrongly mentioned as Vikas instead of Rohit Dhankar. Court of the First Instance decreed the suit.

3. In appeal preferred by the respondents, Lower Appellate Court modified the decree relying upon Section 15 of the Registration of Births and Deaths Act, 1969 and Rule 11 of Haryana Rules, 2002 in the light of dictum of law laid down by this Court in *Shweta Sharma vs. State of Haryana and others reported as 2011(3) RCR (Civil) 442*.

Rule 11 of 2002 Rules provides as under:-

11. Correction or cancellation of entry in the register of births and deaths. [Section 15]. - (1) If it is reported to the Registrar that a clerical or formal error has been made in the register or if such error is otherwise noticed by him and if the register is in his possession, the Registrar shall enquire into the matter and if he is satisfied that any such error has been made, he shall correct the error (by correcting or cancelling the entry) as provided in section 15 and shall send an extract of the entry showing the error and how it has been corrected to the State Government or the District Registrar.

(2) In the case referred to in sub-rule (1) if the register is not in his possession, the Registrar shall make a report to the District Registrar and call for the relevant register and after enquiring into the matter, if he is satisfied that any such error has been made, make the necessary correction.

(3) Any such correction as mentioned in sub-rule (2) shall be countersigned by the District Registrar when the register is received from the Registrar.

(4) If any person asserts that any entry in the register of births and deaths is erroneous in substance, the Registrar may correct the entry in the manner prescribed under section 15 upon production by that person a declaration setting forth the nature of the error and true facts of the case made by him and supported by two credible persons having knowledge of the facts of the case.

(5) Notwithstanding anything contained in sub-rule (1) and



sub-rule (4) the Registrar shall make report to any correction of the kind referred to therein giving necessary details to the Chief Registrar through the District Registrar.

(6) If it is proved to the satisfaction of the Registrar that any entry in the register of births and deaths has been fraudulently or improperly made, he shall make a report giving necessary details to the officer authorised by the Chief Registrar by general or special order in this behalf under section 25 and on hearing from him take necessary action in the matter.

(7) In every case in which any entry is corrected or cancelled under this rule, intimation thereof should be sent to the permanent address of the person who has given information under section 8 or section 9.”

3. It is in terms of the aforesaid rule that the Lower Appellate Court while allowing the appeal observed as under:-

“So, the respondent is at liberty to approach the appellants for making necessary correction in his date of birth as 14.3.1996 instead of 14.5.1995 and the appellants will hold an enquiry as per Section 15 of Registration of Births and Deaths Act, 1969 and Rule 11 of Haryana State Birth-Deaths Registration Rule 2002 and set the record right keeping in view the law laid down by our Hon'ble High Court in case Shweta Sharma vs. State of Haryana and others(supra) and as per Haryana State Litigation Policy 2010.”

4. In the considered opinion of this Court, the Lower Appellate Court rightly relegated the plaintiff-appellant to approach the statutory authorities which are entitled to hold enquiry in terms of Section 15 of the Act which 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 in 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.

5. Finding no infirmity in the judgment and decree passed by the Lower Appellate Court, no interference is required in the second appeal, the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

16.07.2025

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No