

Gujarat High Court

Shah vs State on 10 February, 2011

Author: Ravi R.Tripathi,&Nbsp

Gujarat High Court Case Information System

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SCA/93/2011      2/ 2      JUDGMENT

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL  
CIVIL APPLICATION No. 93 of 2011

For  
Approval and Signature:

HONOURABLE  
MR.JUSTICE RAVI R.TRIPATHI

=====

1

Whether

Reporters of Local Papers may be allowed to see the judgment ?

2

To

be referred to the Reporter or not ?

3

Whether

their Lordships wish to see the fair copy of the judgment ?

4

Whether

this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5

Whether

it is to be circulated to the civil judge ?

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SHAH  
SUSHILABEN BHARATKUMAR - Petitioner(s)

Versus

STATE  
OF GUJARAT & 1 - Respondent(s)

=====

Appearance  
:  
MR  
BHARAT B SHAH for  
Petitioner(s) : 1,  
MR HK PATEL, AGP for Respondent(s) : 1,  
MR  
DAKSHESH MEHTA for Respondent(s) :  
2,  
=====

CORAM

:

HONOURABLE

MR.JUSTICE RAVI R.TRIPATHI

Date  
: 10/02/2011

ORAL  
JUDGMENT

Heard learned Advocate Mr.Bharat B.Shah for the petitioner.

2. On 17.01.2011, Rule was issued returnable today, i.e. 10.02.2011.

2.1 At the request of the learned Advocate for the petitioner, the matter is taken up for final hearing, to which learned Advocate Mr.Dakshesh Mehta for respondent No.2-Chief Officer, Visnagar Nagarpalika and learned AGP Mr.H.K.Patel for respondent No.1 State has no objection.

3. Learned Advocate for the petitioner submitted that the question involved in this matter is similar to the one involved in Special Civil Application No.11486 of 2009, which came to be decided by this Court (Coram: Hon'ble Mr.Justice K.S.Jhaveri) by judgment and order dated 24.11.2009.

4. For the same reasons as are recorded in judgment and order dated 24.11.2009 in Special Civil Application No.11486 of 2009, the present petition is allowed. Respondent No.2 herein - Chief Officer, Visnagar Nagarpalika is directed to effect change in date of birth from 24.03.1972 to 21.03.1972 in the birth certificate of the petitioner's son - Hiteshkumar in the records. Respondent No.2 is further directed to issue fresh certificate of birth showing the correct date of birth to be 21.03.1972 in place on 24.03.1972. Rule is made absolute. No costs.

A copy of judgment and order passed in Special Civil Application No.11486 of 2009 dated 24.11.2009 be kept on the file of this matter.

Direct service is permitted.

(Ravi R.Tripathi, J.) \*Shitole Top