



2026:DHC:4970



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 14707/2024 and CM APPL 29764/2026**

IN THE MATTER OF:

RANI SINGH

w/o Shri Jivan Kumar Singh
S/o Late Shri Satendra Prasad Singh
R/O 89/4., Ground Floor,
Krishna Kunj Apartments, Krishna Nagar
Safdarjung Enclave, New Delhi - 110029

.....PETITIONER

(Through: Mr. R. V. Sinha, Mr. A. S. Singh, Ms. Nidhi Singh and Ms. Shriya Sharma, Advocates.)

Versus

GOVERNMENT OF NCT OF DELHI

Through: The Principal Secretary (Home)
Home Department, Dehi Secretariate, I.P. Estate,
New Delhi – 110002

.....RESPONDENT NO.1

**THE SUB DIVISIONAL MAGISTRATE
(HAUZ KHAS)**

D.C. Office Complex
M.B. Road, Saket, New Delhi – 110068

.....RESPONDENT NO. 2

MUNICIPAL CORPORATION OF DELHI

Through: its Commissioner
17th Floor, Civic Centre,
S.P.M. Marg, New Delhi – 110002

.....RESPONDENT NO. 3



(Through: Ms. Vaishali Gupta, Panel counsel GNCTD and Mr. Kartik Sharma, Advs for R-1. Mr. Harshit Chopra, Standing Counsel along with Ms. Swati Tiwari, Mr. Khushal Chand Agarwal and Ms. Nidhi Mutreja, Advocates for R-3.)

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Reserved on: 20.05.2026

Pronounced on: 29.05.2026

JUDGEMENT

The instant petition is filed seeking declaration and directions for issuance of death certificate in the name of one Mr. Jivan Kumar Singh under Section 13(3) of the Registration of Birth and Death Act, 1969 (“**Act 1969**”) read with Rule 9(3) of the Delhi Registration of Birth and Death Rules, 1999 (“**Rules 1999**”).

2. The Petitioner claims to be a legally wedded wife of Mr. Jivan Kumar Singh who was serving as a Sub-Inspector in Delhi Police. Mr. Kumar went missing on 08.06.2005 and did not return, thereafter. A missing complaint was lodged on 16.06.2005 at Police Station Malviya Nagar *vide* DD No. 59 – B. According to the Petitioner, despite various efforts made by the family members and investigation by police authorities, his whereabouts, could not be ascertained and no information regarding him has been received since then.

3. Mr. Kumar is survived by petitioner and three children. For the sake of clarity, the relationship is narrated in tabular form. The same is extracted as under:

<i>S.NO.</i>	<i>NAME</i>	<i>AGE/YEARS</i>	<i>RELATIONSHIP</i>
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a.	<i>Smt. Rani Singh</i>	54	<i>Wife</i>
b.	<i>Ms. Garima Singh</i>	29	<i>Daughter</i>
c.	<i>Ms. Annu Singh</i>	25	<i>Daughter</i>
d.	<i>Krish Singh</i>	19	<i>Son</i>

4. It is stated that certain insurance policies were obtained by Mr. Kumar in his name and also in the name of Petitioner and his daughter. The benefits arising therefrom were inaccessible, as the concerned authorities had insisted upon production of death certificate or an appropriate declaration through Court orders before releasing any such benefits and dues.

5. The Petitioner then filed an application dated 05.09.2023 before Respondent no. 2 – Sub Divisional Magistrate (“SDM”) under Section 13(3) of the Act 1969 read with Rule 9(3) of Rules 1999 seeking delayed registration of death of Mr. Jivan Kumar. During the consideration of application, Respondent no.2 – SDM sought verification from Station House Officer (“SHO”), Police Station Malviya Nagar.

6. Thereafter, the police authorities confirmed registration of missing report dated 16.05.2005 and informed that despite search efforts, Mr. Kumar could not be traced. According to the Petitioner, despite repeated follow-ups and written submissions, no formal order disposing of the application was communicated. Pursuant thereto, a complaint dated 25.05.2024 and an application under the Right to Information Act, 2005 dated 27.07.2024 were submitted seeking information regarding the status of the application.

7. *Vide* RTI response dated 22.08.2024, the Petitioner was informed that the application dated 05.09.2023 could not be accepted on the ground that



while Section 108 of Indian Evidence Act, 1872 provides for presumption regarding death of a missing person, declaration of the death falls within the jurisdiction of the competent Civil Court and appropriate relief is required to be obtained through declaratory proceedings.

8. Aggrieved by the aforesaid action and alleging that the Respondent authorities have failed to discharge their obligations under the Act of 1969 and Rules 1999, the Petitioner has filed the present petition.

SUBMISSIONS

9. Mr. R.V. Sinha, learned counsel appearing on behalf of the Petitioner has made followings submissions:

- i.** The rejection of Petitioner's application seeking registration and issuance of death certificate is legally unsustainable, as the authority declined the relief on the premise that a declaration from a Civil Court under the Specific Relief Act, 1963 was mandatory.
- ii.** The statutory presumption embodied under Section 108 of the Indian Evidence Act, 1872 [corresponding Section 111 of the Bhartiya Sakshya Adhinyam, 2023] creates a legal fiction regarding death of person who has not been heard of for a period exceeding seven years. Such legal fiction must be accorded its full legal effect and cannot be rendered ineffective by requiring a separate adjudicatory declaration.
- iii.** The objections raised by the Respondents regarding absence of specific particulars relating to date, time and place of death is misconceived. Section 108 of the Evidence Act 1872 [corresponding Section 111 of the Bhartiya Sakshya Adhinyam, 2023] concerns only



presumption of death and does not require determination of exact date, place or circumstances of death.

- iv. The Petitioner is not seeking adjudication of actual date, time or place of death but only seeks registration of death in official records and issuance of consequential death certificate under delayed registration mechanism under Section 13(3) of the Act, 1969 read with Rule 9(3) of the Rules, 1999. The authorities are obligated to process such registration upon satisfaction regarding the factum of presumed death and cannot refuse to exercise jurisdiction by insisting upon civil proceedings.
- v. The statutory frame work governing registration of births and deaths must prevail over administrative practice and internal procedural requirements. No rule expressly mandates procurement of declaratory decree in cases where death is sought to be recorded on the basis of statutory presumption and, therefore, executive authorities cannot import additional conditions not contemplated under the Act or Rules. Further a declaratory suit under section 34 of the Specific Relief Act, 1963 is not mandatory in facts of the present case, as no competing civil right or *inter se* disputes regarding status is involved.
- vi. Reliance has been placed on various decisions¹ to support the aforesaid submissions.

¹ Mohinder Singh Gill & Anr. V. Chief Election Commissioner, New Delhi & Ors. (1978) 1 SCC 405, Rajasthan State Industrial Development & Investment Corporation & Anr (2013) 5 SCC 470, Union of India v. Rajeev Kumar (2003) 6 SCC 516, LIC of India v. Anuradha (2004) 10 SCC 131, Chhaya & Anr. v. Public at Large ILR 2024 MP 1845, Savitribai & Ors. v. Superintendent Engineer, Maharashtra State Road Development Corporation & Ors 2024 SCC OnLine Bom 2858.



10. *Per Contra*, Ms. Vaishali Gupta and Mr. Harshit Chopra, learned counsel appearing on behalf of the Respondents have made following submissions:

- i.** The relief sought by Petitioner before Respondent no. 2 - SDM did not pertain to delayed registration of an established death but sought registration on the basis of presumed death of person whose death has never been officially confirmed. Section 13(3) of the Act, 1969 read with Rule 9(3) of Rules 1999 and Rule 9(3) of Rules 1999 as amended in 2024 operates only after occurrence of death is ascertainable and capable of registration.
- ii.** Section 108 of the Indian Evidence Act, 1872 [corresponding Section 111 of *Bhartiya Sakshya Adhiniyam, 2023*] merely creates a rebuttable presumption regarding death of person who has not been heard for seven years and does not itself confer jurisdiction upon Executive Magistrate or SDM to declare such person dead or to determine consequential civil status.
- iii.** The Evidence Act, 1872 and *Bhartiya Sakshya Adhiniyam, 2023* apply to judicial proceedings and the presumption contemplated therein, can be drawn only by a competent judicial forum authorized to appreciate evidence and adjudicate rival claims. Respondent no. 2 being an Executive Magistrate is not vested with powers to conduct adjudicatory proceedings for determination of civil status or declaration of presumed death.
- iv.** Petitioner's reliance upon presumption under Section 108 of the Evidence Act, 1872 [corresponding Section 111 of *Bhartiya Sakshya Adhiniyam, 2023*] is misplaced as such presumption extends only to



the factum of death and not to date, time, place etc. The registration of death necessarily requires recording of statutory particulars; the authority cannot presume those essential details in absence of adjudication by competent forum.

- v. The proper remedy available to the Petitioner is to approach the competent Civil Court seeking declaration and other such reliefs, where evidence can be led and all relevant facts can be examined.
- vi. Reliance has been placed upon various decisions² to support the submissions.

11. I have heard submissions on behalf of both the parties and have perused the record.

ANALYSIS

12. At the outset, the controversy involved in the petition lies in a narrow compass. The petition raises an important question concerning the interplay between statutory scheme governing delayed registration of deaths under the Registration of Births and Deaths Act, 1969 and legal presumption relating to death of a missing person embodied under Section 108 of the Indian Evidence Act, 1872 [corresponding Section 111 of the Bhartiya Sakshya Adhinyam, 2023.]

13. The issue involved herein, is not whether Mr. Kumar has remained untraceable for a prolonged period or whether circumstances exist giving rise to such presumption, rather the question which arises for consideration

² Sudarshan B. Biradar v. State of Karnataka AIR 2023 Kar 274, Kallu Khan v. State of Madhya Pradesh & Ors (2022) 2 MP LJ 593, Shakuntala Devi & Anr. v. Vimal Kumar @ Lala & Ors.² CS(OS) No. 688/2022.



is whether Respondent no. 2 - SDM, while exercising powers under Section 13(3) of Act 1969 read with Rules thereunder, possesses jurisdiction to invoke such presumption and direct registration of death.

14. Before examining the rival submissions, it would be apposite to refer to the relevant statutory provisions. The same is extracted as under:

Section 13(3) of the Registration of Births and Deaths Act, 1969 provides as under:

“Any birth or death of which delayed information is given to the Registrar after one year of its occurrence, shall be registered only on an order made by a District Magistrate or Sub-Divisional Magistrate or by an Executive Magistrate authorised by the District Magistrate, having jurisdiction over the area where the birth or death has taken place, after verifying the correctness of the birth or death and on payment of such fee as may be prescribed..”

Rule 9 (3) of the Delhi Registration of Births and Deaths Rules, 1999, as existed earlier:

“Any birth or death which has not been registered within one year of its occurrence shall be registered only on an order of Magistrate of first class or a Presidency Magistrate and on payment of a late fee of rupees 10.”

Rule 9 (3) of the Delhi Registration of Births and Deaths Rules, 1999 as amended in 2024 applicable, provides:

“(3) Any birth or death of which delayed information is given to the Registrar after one year of its occurrence, shall be registered only on an Order made by a District Magistrate or Sub-Divisional Magistrate or by an Executive Magistrate authorised by the District Magistrate, having jurisdiction over the area where the birth or death has taken place and on payment of a late fee of one hundred rupees.”

15. A perusal of the aforesaid provisions demonstrates that they operate in cases of delayed registration of an event which has already occurred. The jurisdiction conferred under the statutory framework is to permit registration



beyond the prescribed period after satisfaction regarding the correctness of the birth or death sought to be recorded. The provisions do not create an independent mechanism for determination of civil status or adjudication regarding existence or occurrence of death itself.

16. In order to substantiate the submission, Ms. Vaishali Gupta learned counsel for the Respondents, presented a chart purporting to summarise, the statutory and procedural framework governing registration of deaths under the Act 1969 read with Rules 1999 and Amendment Rules 2024. The same reads as under:

<i>S. No.</i>	<i>Reporting of Death</i>	<i>Concerned Authority</i>
1.	<i>Within prescribed period of 21 days</i>	<i>Registrar of Death and Birth</i>
2.	<i>More than 21 days but within 30 days</i>	<i>Registrar of Death and Birth with late fees</i>
3.	<i>More than 30 days but within 1 year</i>	<i>Officer prescribed with late fees</i>
4.	<i>Beyond 1 year</i>	<i>By the Registrar upon order made by - Magistrate of First Class with late fees. District Magistrate or Sub-Divisional Magistrate or by an Executive Magistrate</i>



5.	<i>In case of missing persons</i>	<i>By the Registrar upon the order made by – Order of the Civil Court. The presumption of death and its date and place of occurrence is matter of burden of proof. The same may be determined by the competent Court/Authority on being approached by the plaintiff.</i>
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17. A perusal of the aforesaid tabulated chart demonstrates the marked distinction between cases of delayed registration of an already occurred event, and cases where death itself is sought to be inferred, on account of prolonged disappearance of a person. Registration depending upon the stage at which information is furnished identifies the competent authority empowered to permit such registration.

18. Though the aforesaid chart is not a source of law and cannot control the interpretation of the Act, 1969 or Rules framed thereunder, the distinction reflected, therein, appears to be broadly consistent with the statutory scheme.

19. In the facts of the present case, it is not disputed that Mr. Kumar has remained missing since 08.06.2005 and that a missing report was lodged with Police Station Malviya Nagar on 16.06.2005. It is further not disputed that despite police verification and subsequent enquiry initiated by Respondent no. 2 – SDM, no information regarding his whereabouts could be traced. However, disappearance of a person and legal determination of death do not stand on the same footing.



20. In order to overcome this difficulty, the Petitioner relies upon Section 108 of the Indian Evidence Act, 1872 [corresponding to Section 111 of the Bharatiya Shakshya Adhiniyam, 2023]. The relevant provision is extracted under:

Section 108 of Indian Evidence Act, 1872 reads as under:

“Provided that when the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.”

Section 111 of the Bharatiya Skashya Adhiniyam, 2023 reads as under:

“Burden of proving that person is alive who has not been heard of for seven years.—When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.”

21. The submission advanced on the behalf of the Petitioner is that once conditions under Section 108/111 stands satisfied, statutory presumption of death automatically operates and Respondent no.2 ought to have proceeded with registration under Section 13(3) of Act 1969 read with Rule 9(3) of Rule 1999.

22. Section 108 of Indian Evidence Act, 1872 [corresponding to Section 111 of Bharatiya Sakshya Adhiniyam, 2023] embodies a rule of evidence governing the burden of proof in judicial proceedings. It is a rule of evidentiary presumption, not a substantive provision conferring status or creating a legal fiction of death for all purposes, irrespective of forum where such question arises.



23. At this stage, reference is being made to Section 1 of the Indian Evidence Act, 1872 [Section 1 of the Bhartiya Sakshya Adhiniyam, 2023].

The same reads as under:

1. *Short title.* —*This Act may be called the Indian Evidence Act, 1872.*
Extent. —*It extends to the whole of India and applies to all judicial proceedings in or before any Court, including Courts-martial, convened under the Army Act, the Naval Discipline Act; or the Indian Navy (Discipline) Act, 1934 (34 of 1934),] or the Air Force Act but not to affidavits presented to any Court or officer, nor proceedings before an arbitrator.* **[Emphasis supplied]**

24. Section 3 of the Evidence Act, 1872 [Section 2(a) of Bhartiya Sakshya Adhiniyam, 2023] ‘Court’ is defined as under:

2. *Definitions.* — (1) *In this Adhiniyam, unless the context otherwise requires, —*
(a) *“Court” includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence;* **[Emphasis supplied]**

25. A conjoint reading of Section 1 read with Section 3 of the Indian Evidence Act, 1872 [corresponding Section 1 read with 2(a) of the Bhartiya Sakshya Adhiniyam, 2023] makes it evident that provisions relating to evidentiary presumptions are intended to operate in the context of “*judicial proceedings*” before a “*Court*”. The statute in express terms, limits its application to proceedings in or before a Court which includes Judges, Magistrates and other persons legally authorised to take evidence. The determinative factor, therefore, is not the designation of the authority but the nature of the function being performed, namely, adjudication of disputed questions of fact in a judicial capacity.

26. Administrative or executive authorities, even if designated as Magistrates for limited statutory purposes, do not, by that fact alone assume



the character of a “*Court*” unless they are discharging judicial functions in a *lis inter partes*.

27. Tested on the aforesaid touchstone, it is manifest that the SDM, while exercising powers under Section 13(3) of the Act 1969 read with Rule 9 (3) of Rules, 1999, acts in an administrative capacity. The said function discharged is confined to permitting delayed registration upon satisfaction of correctness of factum of birth or death, as already occurring in fact. It does not extend to adjudication of contested civil status or declaration of death in law, which would otherwise require a determinative adjudicatory process.

28. Invocation of the presumption contemplated under Section 108 of the Indian Evidence Act, 1872 [corresponding Section 111 of *Bhartiya Sakshya Adhiniyam, 2023*] is not an automatic consequence of lapse of time. Before such presumption can be invoked, it must be established that the person concerned has not been heard of for the statutory period. Such satisfaction would necessarily involve examination of foundational facts and appreciation of evidence.

29. The scheme of the Registration of Birth and Deaths Act, 1969 and Rules framed, thereunder, does not contemplate the SDM acting as an adjudicatory forum for declaration of death based on presumption, but only as a registering authority in respect of events already capable of being recorded.

30. In the present case, the relief ultimately sought by the Petitioner is not merely entry of an existing death in official records but recognition of legal death of a missing person and issuance of death certificate carrying civil consequences. Such determination transcends the limited administrative



function of delayed registration under Section 13(3) of the Act, 1969 and enters the domain of adjudication of civil matters.

31. The aforesaid position also finds support from the decision of the Supreme Court in the case of *LIC of India v. Anuradha*³ wherein, while examining the scope and nature of presumption under Sections 107 and 108 of the Indian Evidence Act, 1872, it was observed as under:

“ 14. On the basis of the abovesaid authorities, we unhesitatingly arrive at a conclusion which we sum up in the following words: the law as to presumption of death remains the same whether in the common law of England or in the statutory provisions contained in Section 107 and 108 of the Indian Evidence Act, 1872. In the scheme of the Evidence Act, though Sections 107 and 108 are drafted as two sections, in effect, Section 108 is an exception to the rule enacted in Section 107. The human life shown to be in existence, at a given point of time which according to Section 107 ought to be a point within 30 years calculated backwards from the date when the question arises, is presumed to continue to be living. The rule is subject to proviso or exception as contained in Section 108. If the persons who would have naturally and in the ordinary course of human affairs heard of the person in question, have not so heard him for seven years, the presumption raised under Section 107 ceases to operate. Section 107 has the effect of shifting the burden of proving that the person is dead on him who affirms the fact. Section 108, subject to its applicability being attracted, has the effect of shifting the burden of proof back on the one who asserts the fact of that person being alive. The presumption raised under Section 108 is a limited presumption confined only to presuming factum of death of the person whose life or death is in issue. Though it will be presumed that the person is dead but there is no presumption as to the date or time of death. There is no presumption as to facts and circumstances under which the person may have died. The presumption as to death by reference to Section 108 would arise only on lapse of seven years and would not by applying any logic or reasoning be permitted to be raised on expiry of 6 years and 364 days or at time short of it. An occasion for raising the presumption would arise only when the question is raised in a court, tribunal or before an authority who is called upon to decide as to whether a person is alive or dead. So long as dispute is not raised before any forum and in any legal proceedings, the occasion for raising presumption does not rise.”

[Emphasis supplied]

³ (2004) 10 SCC 131



32. A careful perusal of the aforesaid leaves, no manner of doubt that the presumption contemplated under Section 108 of the Indian Evidence Act, 1872 is essentially evidentiary in character and ordinarily arises when the issue regarding the life or death of a person falls for consideration before a competent judicial forum.

33. At the same time, this Court is unable to agree with any broad proposition that a declaratory decree under Section 34 of the Specific Relief Act, 1963 is mandatory in every case as an inflexible rule. The requirement is not of the source of jurisdiction but of nature of adjudication. Where invocation of presumption of death requires determination of foundational facts and consequential declaration affecting civil rights and status, such exercise must be undertaken before a competent forum empowered to receive evidence and render such declaration.

34. Insofar as the decisions relied upon by the Petitioner namely *Mohinder Singh Gill, Chief Election Commissioner, Rajasthan State Industrial Development, Diamond & Gem Development, LIC of India, Chhaya & Anr.* and *Savitribai* are concerned, the said decisions were rendered in distinct factual and statutory contexts and do not deal with the scope of jurisdiction exercisable under Section 13(3) of the Act, 1969 or empower the registering authority to invoke presumption under Section 108/111 of the Evidence Act, 1872 / Bhartiya Sakshaya Adhiniyam 2023 and proceed to register death of a missing person.

35. The decision relied upon by the Respondents namely, *Sudarshan B. Birdar, Kallu Khan, State of Madhya Pradesh and Shakuntala Devi* support the principle that presumption regarding death is evidentiary in



character and does not, by itself, amount to a declaration of civil death. It is further reiterated that wherever consequential civil rights are involved, such determination must be undertaken by the competent adjudicatory forum.

36. However, the matter does not rest there. Constitutional Courts, while interpreting statutory provisions, cannot remain unmindful of human realities underlying legal disputes. The present case is not one where the disappearance is recent, uncertain or clouded by the disputed facts. The statutory period ordinarily contemplated for drawing presumption regarding death is seven years. In the facts of the present case, the period of absence has extended to 20 years 11 months 21 days i.e. nearly three times the duration ordinarily recognised by law.

37. Despite passage of decades, the Petitioner and her children have remained trapped in a prolonged state of emotional uncertainty and legal hardship, unable to secure closure either in life or in law. What may have initially begun as hope of return has, with relentless passage of time, transformed into continuing anguish, deprivation and helplessness. The Court cannot lose sight of the fact that behind the present *lis* lies a family which has endured the silent suffering of waiting for more than two decades, suspended between hope and despair, without the certainty of death and without comfort of life.

38. The predicament of the Petitioner cannot be viewed as a mere procedural inconvenience. For almost two decades, the family has remained caught in a peculiar state where the disappearance of Mr. Kumar stands accepted in reality, yet remains unacknowledged in the eyes of law. The absence of formal recognition has not only denied them access to financial and legal entitlements, but has also prolonged a condition of uncertainty



from which no family can reasonably be expected to emerge unscathed. The Courts cannot be oblivious to the fact that with passage of such extraordinary length of time, the line separating legal presumption from lived reality becomes exceedingly thin.

39. Time, in certain circumstances, ceases to remain mere measure of duration and becomes the most solemn witness to human affairs. The Sanskrit expression aptly states, “कालः सर्वस्य साक्षी” - time is the witness to all things. A disappearance which continues uninterrupted for nearly two decades with lack of any trace cannot be viewed as a matter resting merely within the realm of conjecture. The prolonged continuity of silence surrounding the existence of Mr. Kumar has, with passage of years, assumed a degree of certainty which law cannot altogether ignore. Therefore, insistence upon further procedural rigours may itself result in perpetuation of injustice rather than advancement of law.

40. The constitutional jurisdiction of this Court is not exercised in abstraction from realities of human existence. Law undoubtedly proceeds on procedure and evidentiary discipline, yet procedure cannot be permitted to operate in a manner that renders justice itself illusory. To compel a family to remain indefinitely suspended between legal recognition and lived reality, would amount to carrying procedural formalism beyond the point of fairness. There are situations where strict insistence upon ordinary procedural routes may itself occasion injustice.

41. This Court is conscious that ordinarily adjudication relating to civil status and declaration of presumed death may require parties to avail remedies before the competent forum. This Court is equally conscious that the presumption under Section 108/111 of the Indian Evidence Act, 1872



and Bhartiya Sakshaya Adhiniyam, 2023 is not intended to operate mechanically. Yet, Article 226 of the Constitution confers wide equitable jurisdiction intended to advance substantial justice in exceptional cases. In considered opinion of this Court, the *lis* in the present matter falls within the narrow and exceptional category where constitutional discretion must prevail to ensure that law remains a vehicle of justice and not its obstruction.

42. The statutory scheme, as understood herein, does not empower the registering authority to assume adjudicatory jurisdiction for declaration of presumed death founded upon Section 108 of Indian Evidence Act, 1872 [corresponding Section 111 of the Bhartiya Sakshaya Adhiniyam, 2023.]

43. In view of the aforementioned, this Court finds no infirmity in the stand adopted by Respondent no. 2 – SDM in declining to proceed with registration on basis of the application under Section 13(3) of the Act, 1969.

44. At the same time, this Court cannot remain constrained by procedural limitations to the extent that justice itself becomes inaccessible. To relegate the Petitioner yet to another round of proceedings would risk attracting principle of *summum jus, summa injuria*, which would mean extreme application of law would become extreme injustice.

45. Having regard to peculiar facts of the case, at this stage, this Court does not find it appropriate to relegate the Petitioner to Civil Court. The concerned SDM is directed to get published, a public notice, in an English newspaper and a Hindi newspaper, having wide circulation in Delhi, and inviting objections within 30 days from the date of publication of notice from interested persons, if any, in treating Mr. Jivan Kumar as dead.

46. In case, no objection is received to the same, let the SDM to pass an order under Rule 9(3) of the Delhi Registration of Births and Deaths Rules,



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1999. Let the SDM to issue directions to the concerned Registrar for registration and issuance of death certificate. However, in case of any objection, the petitioner ought to approach the jurisdictional Civil Court for declaratory relief.

47. With aforesaid directions, the writ petition along with pending application stands disposed of.

48. No order as to costs.

(PURUSHAINDR KUMAR KAURAV)
JUDGE

MAY 29, 2026 / SS