

**COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA 1387/2023

Ex Cpl Vijayakumar Bhagawant Joshi
Photo/Tech(Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant: Mr. Rakesh Kumar Yadav, Advocate
For Respondents: Dr. Vijendra Singh Mahndiyan, Advocate
with Mr. Pankaj Sharma, DAV, Air Force

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

The applicant vide the present OA makes the following prayers:-

"a. to issue necessary orders to the Respondents to consider the Applicant's application for making necessary endorsements in the service records/Discharge Book, such as;

(i) Applicant's changed name is to be recorded in the service records from Vijayakumar Bhagawant Joshi to Vijay Bhagavant Joshi.

(ii) Applicant's wife changed name to be recorded from Mrs. Mangal Vijayakumar Joshi to Mrs. Vanita Vijay Joshi and her date of Birth 04th

March 1952 (Fourth March Nineteen Fifty Two) was not recorded in the service records, same to be recorded.

b. to consider these changes as per laid down Policies and Standard Operating Procedure (SOP) for promulgation of NE POR for casualties in respect of Ex-Airmen, NCs(E) and their spouse/children /dependents of the Respondent vide Letter No. Air HQ/99803/30/DAV-III (Adm) dated 17 Aug 2021.

c. to pass such other order / orders at this Hon'ble Tribunal may deem fit just & equitable in the facts and circumstances of the case."

CONTENTIONS RAISED

2. As per averments made in the counter affidavit dated 07.05.2024 filed by the respondents, the applicant **Ex Cpl Vijaya Kumar Bhagawant Joshi** was enrolled in the Indian Air Force on 09.04.1965 and was discharged from service wef 16.05.1974 under the clause "On fulfilling the conditions of his enrolment" after completion of 09 years and 38 days of regular service,. It is stated further vide the said Counter affidavit of the respondents to the effect:

"As per service records, name of the applicant is endorsed as Vijaya Kumar Bhagwant Joshi and name of his spouse as Mangal V Joshi."

3. The applicant has placed on record as Annexure A-4, the copy of his Discharge Book which reflects to similar effect but also brings forth that the date of birth of the wife of the applicant as named therein Smt. Mangal V Joshi is not mentioned therein. The scanned details of the discharge book of the applicant are as under:-

TRUE COPY

MANJUSHA S. TADAY
Advocate & Notary
GOVERNMENT OF INDIA

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8. परिवार के सदस्यों का विवरण (भविष्य में तथा अमानवासीग बहन-भाइयों सहित, जो पूरी तरह उसी पर आश्रित हैं) :-

Details of Family Members (including parents, minor sister, dependent brother wholly dependent upon him).

| नाम Name | सम्बन्ध Relationship | जन्म तिथि / Date of Birth |
|---------------------|-------------------------|---------------------------|
| Smt. Mangal V Joshi | Wife | 08-06-1973 |
| Vidjayanta | Daughter | |
| (Total Two only) | | |

9. घर का स्थायी पता
Permanent Home Address

(क) मकान नम्बर तथा गली/सड़क/मोहल्ला/कोलोनी का नाम
(a) House No. and name of Street/Road/Mohalla/Colony.

(ख) गाँव / कस्बा
(b) Village/Town

Kote

4. The applicant has submitted that he changed his name through the Gazette by an application to the Government of Maharashtra dated 07.05.1992 Page No. 859/ Sr. No. 1546 from **Vijayakumar Bhagawant Joshi** to **Vijay Bhagavant Joshi**. The applicant has further submitted that his wife also changed her name through Gazette (by application to the Government of Maharashtra) dated 07.05.1992 Page no. 859/Sr. No. 1645 from **Mrs. Mangal Vijayakumar Joshi** to **Mrs. Vanita Vijay Joshi**. It was further submitted by the applicant that the date of birth of his spouse is **04th March 1952 (Fourth March Nineteen Fifty Two)**, and that the same may be endorsed in the service documents, as it was not shown in the Discharge Book.

5. The applicant has submitted the copies of the Gazette Notification and other connected documents as Annexure A-3(Colly) to the present OA. It is submitted by the applicant that he and his spouse are using their new names

from 1992 onwards, on all their records, deeds and writing in all proceedings dealing with the transactions, both private as also for all occasions.

6. The applicant has further submitted through his OA filed on 16.05.2023 supported with his affidavit dated 01.05.2023 that he is a senior citizen aged about 76 years old and wants to streamline all his personal details/records along with his wife so that the endorsements are made accordingly in his service records to avoid any further complications in future. The applicant has further submitted to the effect that he had sent his representation on 22.07.2022 to the Respondent No. 3 i.e. Air Headquarters, Directorate of Air Veterans at New Delhi as duly forwarded by the Zila Sainik Board, Pune for endorsement of the change as well that of the change of the name of spouse along with Self Declaration, Aadhar Cards, PAN Numbers, Gazette Notifications and copies of the publication made in the newspapers as well as

with the attested and notarized affidavits, but he has not received any response from the respondents.

7. The respondents through their Counter affidavit dated 07.05.2024 have submitted that there is a complete change in the name of the spouse of the applicant from **Mangal Vijay Joshi** to **Vanita Vijay Joshi** and thus the applicant was called upon to submit additional documents vide letter no AirHQ/99799/9/2/DAV/WE(A&N) dated 21.06.2023 to verify the genuineness of the claim which the respondents submit had not been submitted in terms of the requisite Standard Operating Procedure in relation to the change of names of the personnel of the Indian Air Force and those who retired therefrom as well as of the change of the name of the spouse. The respondents submit that in as much as the applicant did not respond to the said letter dated 21.06.2023, a reminder was sent to him on the 22.09.2023 for submission of the said documents. **(Significantly, it is essential to observe that the letter dated 22.09.2023 sent**

on behalf of the respondents to the applicant is much after the institution of the present OA on 16.05.2023, when the matter was already *subjudice* before this Tribunal.)

ANALYSIS

8. The Standard Operating Procedure(SOP) issued by the respondents vide letter no. Air HQ/99803/30/DAV-II(Adm) dated 17.08.2021 as issued by the Department of Air Veterans, Subroto Park, New Delhi for the promulgation of NE POR FOR CASUALTIES IN RESPECT OF EX-AIRMEN, NCs(E) AND THEIR SPOUSE/CHILDREN/DEPENDENTS has been annexed by the applicant with the present OA as Annexure-A1, the contents of which have not been refuted by the respondents.

9. The applicant has placed on record the copy of the Gazette notification issued by the Government of Maharashtra dated 07.05.1992, the relevant portions of which as scanned reflect as under:-

भाग दोन]

महाराष्ट्र शासन राजपत्र, सं ७, १९९२/विभाष १७, दि. १३.१२

८९९



Announcement A-3 (Rally)
(35-43)

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महाराष्ट्र शासन राजपत्र

भाग दोन—नाव, वय व धर्म बदलण्याच्या जाहिरातींचा विभाग

सूचना.—खरील जाहिरातीत असलेल्या मजकुराकडून सत्यतेविषयी सरकार कठोरपणे जबाबदारी स्वीकारणार नाही.

दाखल असे जाहीर करण्यात येत आहेत की, खालील व्यक्तींनी आपली जुनी नावे बदलून नवीन नावे धारण केली आहेत.

जुने नाव व
नोंदणी क्रमांक

नवीन नाव व पत्ता

जुने नाव व
नोंदणी क्रमांक

नवीन नाव व पत्ता

जुने नाव व
नोंदणी क्रमांक

मि. साजी रामचंद्र बांदेकर
(एक्स—१५४०)

निमिष हरेश्वर भाटकर
(एक्स—१५४१)

संजय दत्तात्रय भुसे
(एक्स—१५४२)

नवीन नाव व पत्ता

दामोदर रामचंद्र मालवणकर
मृगती को. ऑप. सोसायटी,
शिवाजी नगर, कुरार व्हिलेज,
मालाड, (पूर्व), मुंबई ४०० ०९७.

मंदार हरेश्वर भाटकर
हाजीकासम चाळ क्र. ८, खोली क्र. ९,
पहिला मजला, दुर्गादेवी मार्ग,
कुंभारवाडी, मुंबई ४०० ००४.

अजय डी. भागवत
२९, डी. फॉर्मसी कॉलनी,
बी. हनुमान चौक,
उल्मानाबाद ४१३ ५०१.

कु. मंगल अनंत रेठरेकर
(एक्स—१५४५)

विजयकुमार भगवंत जोशी
(एक्स—१५४६)

सी. वनिता विजय जोशी
बी. पी. टी. नाडकर्णी पार्क,
नवी वसाहत, १९/३७७, तळमजला,
वडाळा (पू.), मुंबई ४०० ०३७.

विजय भगवंत जोशी
बी. पी. टी. नाडकर्णी पार्क,
नवी वसाहत, १९/३७७, तळमजला,
वडाळा (पू.), मुंबई ४०० ०३७.

10. Thus the Gazette Notification for the change of the name of the applicant from **Vijayakumar Bhagawant Joshi** to **Vijay Bhagavant Joshi** in relation to the applicant has been placed on record. Likewise, the applicant has placed on record the Gazette Notification dated 07.05.1992 issued by the Government of Maharashtra which indicates the change of the name of the applicant's wife from **Mangal Anant Rethrekar Mangal to Vanita Vijay Joshi**. A contention was raised on behalf of the respondents that Para-11 of the SOP dated 17.08.2021 for the change of the name with the Air Veteran/ NCs(E) has not been complied with by the applicant in as much as the affidavit from the First Class Magistrate along with the newspaper advertisement in English language and the Regional languages attested from the First Class Magistrate for the change of the name had not been submitted by the respondents. Para-11 of the SOP dated 07.08.2021, AirHQ/99803/30/DAV-III(Adm) dated 17.08.2021 copy of which has been filed by the applicant and which was also relied upon by the respondents reads to the effect:-

"11. Procedure. The procedure to be followed for change of name is elucidated in the following paragraphs:-

(a) Change of Name of Air Veteran / NCs (E). In case there is a requirement for any change in the name as per Para 9 ante, Air Veteran is required to submit the following requisite documents :-

- (i) An application from the Air Veteran for change of name from existing to proposed new name.**
- (ii) A self attested copy of Gazette notification.**

or

Affidavit from 1st class magistrate (specimen of affidavit is placed at Appendix A-1) along with newspaper advertisement, in English language. Newspaper advertisement as per Appendix B (as applicable) should contain the change of name from existing name (as per IAFF (P) 5/ Service documents/PPO) to proposed new name. In case the change of name is published in any regional / Hindi newspaper, advertisement for change of name should be in English language. The full page of newspaper wherein the said advertisement had appeared is to be submitted. In case of regional language newspaper, name and date of publication is to be mentioned in English on top of the newspaper and signed by the individual.

(iii) Date of birth proof like Aadhaar Card/PAN Card/Matriculation Certificate/Passport etc. It should be ensured that changed name matches with name in Aadhaar Card/PAN Card. Note: Publication of change of name in Gazette of India is mandatory requirement for Honorary Commissioned Officers and Warrant Officers,”

11. Significantly, Para-11(a)(2) of the said SOP which prescribes the procedure to be followed for change of a name of the Air Veteran/NCs(E) requires **either** a self attested copy of a Gazette Notification **or** affidavit from the 1st Class Magistrate in relation to the change of the name of the Air Veteran/NCs(E). Thus the contention raised on behalf of the respondents to the objections to the change of the name of the applicant from **Vijayakumar Bhagawant Joshi** to **Vijay Bhagavant Joshi** cannot be accepted and the applicant is entitled to the change of his name from **Vijayakumar Bhagawant Joshi** to **Vijay Bhagavant Joshi** as prayed by him in all service records of the applicant as well as in his discharge book.

CHANGE OF NAME OF THE APPLICANT'S WIFE

12. As regards the change of the name of the wife of the applicant from **Mrs. Mangal Vijay Joshi** as recorded in the service records of the applicant to **Mrs. Vanita Vijay Joshi**, though undoubtedly the respondents contend to the effect that the old name of the applicant's wife reflected as **Mangal Anant Rethrekar** in the Gazette Notification dated 07.05.1992 does not correspond to the old name of the wife of the applicant in the service records maintained by the respondents where her name is mentioned as **Mangal V. Joshi**, it is essential to observe that the applicant has placed on record his **Memorandum of Marriage dated 10.02.1972** issued by **The Registrar of Marriages, Karad** which is a public document wherein the scanned details therein reflect to the effect:-

क्र. को. पु. - ३,००,००० - १-८८ - एएए-४ - मो. (६१) २८०
G. L. L. No. S. G., P. H. D. No. R. G. M. 1153/34566 M of 9-9-54;
Rev. in mhc. vide G. L., U. D., P. H. D. No. ICM-1076/2337 P1-12, dt. 9-3-77;
Rev. vide L. No. AD-7-230-637-21-3-81 from I.G. of Regn., Pn. 1.]

मैदानी २८३ महि.
Regn. 283 mhc.

विवाह नामन/विवाह का स्मार-पत्र/Memorandum of Marriage

1. विवाहाना दिनांक/विवाह की तारीख/Date of Marriage **सहा देवुवारी राकोकोरो छदातर (६-२-१९७२)**
2. विवाहाचे ठिकाण (ठिकाण दर्शविण्यासाठी मागण्यात येतील घाना) **भारताचे राज्य महाराष्ट्र राज्य**
विवाह का स्थान (स्थान प्राप्त करणे के निवे दर्शवत विवरणी सहित) **सोमवार पेठ कराड**
Place of Marriage (with sufficient particulars to locate the place)
3. (अ) बराचे संपूर्ण नाम/(क) दुलहे का पूरा नाम **श्री विजयकुमार भागवत जोशी**
(a) Full name of the bridegroom
(ब) त्याचे वय/(घ) आयु/(b) His age **२५ वर्ष**
(क) नेहमीचे राहण्याचे ठिकाण/(ग) साधारण निवासस्थान **कोळे ना. कराड**
(c) Usual place of residence
(द) पत्ता/(घ) पत्ता/(d) Address **सु.पो. कोळे ना. कराड जि. सातारा**
(ई) विवाहाच्या वेळी बट अविवाहित/विधवा/विलक्षणित होवा. **अविवाहित**
(F) विवाह के समय दुलहे की स्थिती आयुक्त-अविवाहित/विधवा/विवाह-विच्छेदित/विवाहित है, यदि है तो कितनी कितनी पत्नीयां हैं।
(e) Status of the bridegroom at the time of marriage whether unmarried/widower/divorced/married and if so, how many wives are alive.
(फ) बराकी सही व दिनांक (च) दुलहे का हस्ताक्षर, तारीख सहित **सही/सहा देवुवारी 10-2-72**
(f) Signature of the bridegroom with date.
4. (अ) बराचे संपूर्ण नाम/(क) दुलहन का पूरा नाम **कु. मंगल मंगल कुलकर्णी (देवेकर)**
(a) Full name of the bride
(ब) तिचे वय/(घ) उसकी आयु/(b) Her age **२५ वर्ष**
(क) नेहमीचे राहण्याचे ठिकाण/(ग) साधारण निवास-स्थान/(c) Usual place of residence **कराड**
(द) पत्ता/(घ) पत्ता/(d) Address **८/० सु.पो. कोळे ना. कराड जि. सातारा**
(ई) विवाहाच्या वेळी बट अविवाहित/विधवा/विलक्षणित होवा. **अविवाहित**
(F) विवाह के समय दुलहन की स्थिती आयुक्त-अविवाहित/विधवा/विवाह-विच्छेदित है, यदि है तो कितनी कितनी पत्नीयां हैं।
(e) Status of the bride at the time of marriage whether unmarried/widow/divorced
(फ) बराकी सही व दिनांक (च) दुलहन का हस्ताक्षर, तारीख सहित **सही/कु. मंगल मंगल कुलकर्णी (देवेकर)**
(f) Signature of the bride with date **10-2-72**
5. (अ) बराच्या पित्याचे किंवा पालकाची सही व दिनांक **श्री. मंगल मंगल कुलकर्णी जोशी**
(क) दुलहे का पिता या प्रतिपालक का पूरा नाम **सु.पो. कोळे ना. कराड**
(a) Full name of the father or guardian of the bridegroom
(ब) त्याचे वय/(घ) उसकी आयु/(b) His age **६२ वर्ष**
(क) नेहमीचे राहण्याचे ठिकाण/(ग) साधारण निवासस्थान/(c) Usual place of residence **कोळे ना. कराड**
(द) पत्ता/(घ) पत्ता/(d) Address **सु.पो. कोळे ना. कराड जि. सातारा**
(ई) बराच्या पित्याची किंवा पालकाची सही व दिनांक **सही/सहा देवुवारी 10-2-72**
(F) दुलहे के पिता या प्रतिपालक का हस्ताक्षर, तारीख सहित
(e) Signature of the father or guardian of the bridegroom with date
6. (अ) बराच्या पित्याचे किंवा पालकाची सही व दिनांक **श्री. मंगल मंगल कुलकर्णी जोशी**
(क) दुलहन के पिता या प्रतिपालक का पूरा नाम **सु.पो. कोळे ना. कराड**
(a) Full name of the father or guardian of the bride
(ब) त्याचे वय/(घ) उसकी आयु/(b) His age **६५ वर्ष**
(क) नेहमीचे राहण्याचे ठिकाण/(ग) साधारण निवासस्थान/(c) Usual place of residence **कराड**
(द) पत्ता/(घ) पत्ता/(d) Address **३०२ सोमवार पेठ, कोळे ना. कराड जि. सातारा**
(ई) बराच्या पित्याची किंवा पालकाची सही व दिनांक **सही/सहा देवुवारी 10-2-1972**
(F) दुलहन के पिता या प्रतिपालक का हस्ताक्षर, तारीख सहित
(e) Signature of the father or guardian of the bride with date.



सही सु. म. र.
विजयकुमार भागवत जोशी

MANO SHA S. KADAY
Notary
GOVERNMENT OF INDIA

13. Thus at Serial no. 3(a) in the Memorandum of Marriage, the name of the bridegroom is mentioned as **Shri Vijayakumar Bhagawant Joshi** i.e. the applicant whose name has since been changed to **Vijay Bhagavant Joshi** and the name of the Bride is mentioned as **Kumari Mangal Anant Kulkarni(Rethrekar)** with the date of the marriage mentioned as being **10.02.1972**.

14. The school leaving certificate dated 03.01.1970 issued by the Sheth Ramvilas Kisanlal Lahoti Kanya Prashala, Karad gives the name of the pupil as **Retharekhar Mangal Anant** with the date of Birth as 04.03.1952.

15. The certificate issued by the Maharashtra State Board of Secondary Education, Poona Divisional Board dated 02.02.1970 gives the name of the pupil as **Retharekhar Mangal Anant** with the Date of Birth as being **04.03.1952**.

16. The applicant has also placed on record the newspaper publication of the **Classified** advertisements in the Indian Express English Edition dated 28.06.2022 wherein the change of the name of the applicant's spouse is reflected as under:-

**I Mrs. Mangal
Vijayakumar Joshi
(existing name of
spouse as per service
documents) Address -
103 Anisha apartment,
near concord park
Balwadi Pune 411045
Maharashtra. have
changed my name from
Mrs. Mangal
Vijayakumar Joshi to
Mrs. Vanita Vijay
Joshi. vide affidavit no
907/2022 dated 26.06.22
Pune**

0090306525-2

13. The applicant's change of name is also reflected in the said edition of the Indian Express dated 28.06.2022 therein as under:-

**I Vijayakumar Bhagwant
Joshi (existing name as
per service documents)
Address - 103 Anisha
Apartment, near
Concord portio,
Balewadi Pune 411045
Maharashtra, have
changed my name from
Vijayakumar Bhagwant
Joshi to Vijay Bhagvant
Joshi. Affidavit No.
906/2022 dated 26.06.22
Pune**

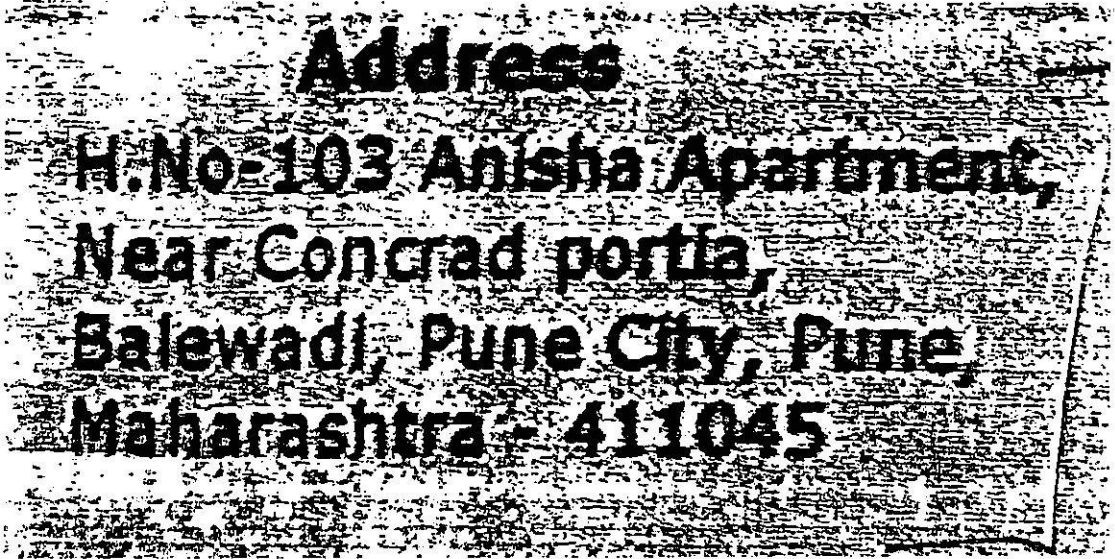
0090306525-1

14. The applicant has also placed on record the copy of the advertisement published in the **Loksatta Pune Edition** dated **30.06.2022** which are both in relation to the change of his own name as well as of his wife which as scanned read as under:-

“मी विजयकुमार भगवंत जोशी (सेवा कायदपत्रानुसार विद्यमान: माव) पत्ता १० अनिशा अपार्टमेंट कॉन्फोर्ड पोर्टिसो जवळ बालेवाडी पुणे- ४१११०४५ नाव विजयाकुमार भगवंत जोशी वरुन विजय भगवत् जोशी असे बदलले आहे; विस्तृत प्रतिज्ञापत्र क्रमांक १०६/२०२२ दिनांक 26.06.22 पुणे
0090306525-5”

“मी सौ. मंगल विजयाकुमार जोशी (सेवा कागदपत्रानुसार जोडीदाराचे विद्यमान नाव) पत्ता-१०३ अनिशा अपार्टमेंट, कॉन्फोर्ड पोर्टिसो जवळ "बालेवाडी, पुणे ४११०४५ महाराष्ट्र माझे नाव श्रीमती मंगल विजयाकुमार जोशी वरुन श्रीमती वनिता विजय जोशी असे बदलले आहे. विस्तृत: प्रतिज्ञापत्र क्रमांक १०७/२०२२ दिनांक २६.०६.२२ पुणे.
0090306525-5”

15. The Aadhar card of the applicant's wife with her name as **Vanita Vijay Joshi** reflects her address as under:-



which is the same as detailed in the advertisement published in the English edition of the Indian Express dated 28.06.2022 and in the Marathi Pune Edition of the Loksatta dated 30.06.2022 which is also reflected to be the address of the applicant in his Aadhar Card.

16. The self declaration dated 19.07.2022 of the applicant's wife for change of her name and endorsement of her date of birth in service records is also placed on the record by the applicant.

17. In these circumstances, we consider to appropriate to permit the change of the name of the applicant's wife in the service records maintained by the respondents **from Mrs. Mangal Vijayakumar Joshi to Mrs. Vanita Vijay Joshi on all service records and the discharge book of the applicant maintained by the respondents.**

18. Furthermore, it is also essential to observe as already observed elsewhere herein above, that the date of birth of the applicant's wife has not been stated on the discharge book of the applicant. Thus, as the date of birth of the applicant's wife as reflected through the Maharashtra State Board of Secondary Education, Poona Divisional Board dated 02.02.1970 as well as her School Leaving Certificate dated 03.01.1970 which is reflected to be 04.03.1952, the same is directed to be incorporated as the date of birth of the applicant's wife (now directed to be named in the service records of the applicant as Mrs. Vanita Vijay Joshi) to be 04.03.1952.

19. Furthermore it is essential to observe that the Secondary School examination certificate issued by the Central Board of Secondary Examination is a public document admissible in evidence in terms of Section-35 of the Indian Evidence Act, 1872, the successor to which is Section-29 of the Bharatiya Sakshya Adhiniyam, 2023. Section-35 of the Indian Evidence Act, 1872 and Section-29 of the Bharatiya Sakshya Adhiniyam, 2023 both read identically to the effect:-

“Section-35 of Indian Evidence Act, 1872

“35. Relevancy of entry in public record made in performance of duty.— An entry in any public or other official book, register or [record or an electronic record], stating a fact in issue or relevant fact, and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register or [record or an electronic record], is kept, is itself a relevant fact.”

"Section-29 of the Bharatiya Sakshya Adhiniyam, 2023

Section 29. Relevancy of entry in public record or an electronic record made in performance of duty.

"An entry in any public or other official book, register or record or an electronic record, stating a fact in issue or relevant fact, and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register or record or an electronic record, is kept, is itself a relevant fact."

20. The Memorandum of Marriage dated 10.02.1972 has been issued under the **Bombay Registration of Marriages Act, 1953** which enactment was published on 20th January, 1954 vide the Bombay Government Gazette, Part IV and the same is undoubtedly a public document Apparently, thus the Memorandum of Marriage as issued under the said enactment is a public document of which judicial notice has to be taken in terms of Section 114 illustration (e) of the Indian Evidence Act, 1872 which is identical to Section 119(1) illustration(e) of the Bhartiya Sakshya Adhiniyam, 2023 which reads to the effect:-

“114. Court may presume existence of certain facts- The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.

Illustrations

The Court may presume-----

(a)....

(b)...

(c)....

(d)....

(e) That judicial and official acts have been regularly performed;

(f)....

(g)....

(h)....

(i)....”-

and is thus taken.

21. There is no objection raised by the respondents that the Memorandum of Marriage dated 10.02.1972 of the marriage of the applicant and his wife was recorded in any exceptional circumstances in terms of the exceptions to the Section 114 of the Indian Evidence Act, 1872 nor in terms of Section 119 of the Bhartiya Sakshya Adhinyam, 2023. Thus there is no ground to disbelieve the Memorandum of Marriage

dated 10.02.1972 placed on record by the applicant as issued by the Registrar of Marriages, Karad dated 10.02.1972 **which has to be presumed to have been prepared correctly in the performance of an official act.**

22. Even though the said Bombay Registration of Marriages Act, 1953 under which the certificate dated 10.02.1972 of the marriage of the applicant with his wife was registered has since been repealed by the Maharashtra Act no. XX of 1999 and has been replaced by the Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Act, 1998, vide Section-21 thereof, all marriages registered or any action taken by the Registrar in terms of the Bombay Registration of Marriages Act, 1953 despite repeal are deemed to have been validly registered in terms of the Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Act, 1998.

CONCLUSION

23. The OA 1387/2023 is thus allowed with directions to the respondents to change the name of the applicant in the service records of the applicant from Vijayakumar Bhagawant Joshi to Vijay Bhagavant Joshi and to change the name of the applicant's wife from Mrs. Mangal Vijayakumar Joshi to Mrs. Vanita Vijay Joshi and to also incorporate her date of birth as being 04.03.1952 in the service records of the applicant and to make all necessary endorsements in accordance with the changed name of the applicant and the changed name of the applicant's wife with her date of birth on all service records of the applicant maintained by the respondents.

Pronounced in the open Court on the 24th day of October, 2024.


[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

[JUSTICE ANU MALHOTRA]
MEMBER (J)

/TS/