

1967 Present : Abeyesundere, J., and Siva Supramaniam, J.

THE REGISTRAR-GENERAL, Petitioner, and  
G. D. GEEDRICK, Respondent

*S. C. 423/66—Application for Revision in D. C. Colombo, 5200/X*

*Birth Register—Amendment of entries therein—Application made by father on behalf of his son—District Court has no jurisdiction to permit it—Births and Deaths Registration Act, ss. 27, 28 (1).*

Section 28 (1) of the Births and Deaths Registration Act does not permit a father to apply to the District Court for amendments to be made in the birth registration entries relating to his son who is a minor.

**A**PPPLICATION to revise an order of the District Court, Colombo.

*H. L. de Silva*, Crown Counsel, for the 1st Respondent-Petitioner.

*S. W. Jayasuriya*, with *S. Gunasekera*, for the Petitioner-Respondent.

January 22, 1967. ABEYESUNDERE, J.—

The application dated 17th December, 1965 was made by Geeganage Don Geedrick to the District Court of Colombo praying for certain amendments to be made in the birth registration entries relating to his son Geegamage Don Ariyadasa. The first amendment that was prayed for was the alteration of the name of the applicant's son from "Geegamage" to "Geeganage", and the other two amendments were respectively for the purpose of altering the applicant's name and the insertion of particulars relating to the applicant's marriage. The Registrar-General, who was the 1st respondent to the application, objected to the proposed alteration of the name of the applicant's son on the ground that he was a minor and therefore the application for the alteration of his name could not be made to the District Court under Section 28 (1) of the Births and Deaths Registration Act. The learned

District Judge however allowed all the amendments. The Registrar-General, appearing by Crown Counsel, prays that this Court exercise its powers of revision and set aside the first amendment in the birth registration entries relating to the applicant's son which has been ordered by the District Judge without jurisdiction.

Section 28 (1) (a) of the aforesaid Act permits a person to apply to the District Court for the alteration of his name in the entries relating to his birth only if that person is not less than twenty-one years of age, and that section also provides that such application may be made to the District Court only by a person desiring his name to be altered. According to the certificate of birth of the applicant's son, he was born on 13th March, 1949 and was a minor when his father made the aforesaid application on 17th December, 1965. The District Court could not therefore have, upon that application, ordered the birth registration entries to be altered in respect of the name of the applicant's son. Where a person who desires to have his name altered in the birth registration entries is a minor, section 27 of the aforesaid Act requires him to make an application to the Registrar-General. The learned District Judge has misdirected himself in not observing the relevant provisions of the aforesaid Act and permitting the amendment of the entry relating to the name of the applicant's son.

For the aforesaid reasons, in the exercise of the powers of revision of this Court, I vary the order made by the learned District Judge dated 23rd September, 1966 by omitting therefrom the amendment directed by him to be made in Cage 12 of the birth registration entries relating to Geegamage Don Ariyadasa.

SIVA SUPRAMANIAM, J.—I agree.

*Order varied.*

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