

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4083 OF 2017
IN
FIRST APPEAL NO. 496 OF 2017

Bharati Rajendra Kale & Ors. ... Applicants
In the matter between
M/s. Safety Motors Pvt. Ltd. ... Appellant
vs.
General Manager,
Mahindra & Mahindra Ltd. & Ors. ... Respondents

Mr. S.R. Ganbavale i/b. Mr. Sangramsinh S. Yadav, Advocate for the applicants.

Ms. Mayura Maru, Advocate for the appellant.

Mr. Ashwin Balagopal i/b. Mr. A.M. Gokhale, Advocate for respondent no. 2.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE : 15th December, 2017

P.C.:

1. Upon mentioning, taken on production board.
2. This Application is moved by the applicants/original claimants for change in the name of original claimant no. 2.
3. The learned counsel for the applicants submitted that the counsel of the original claimants has erroneously spelled the name of original claimant no. 2 as "Krushikesh". His real name appearing in the Birth Certificate, Aadhar Card and Pancard is "Rushikesh Rajendra

Kale”. The learned counsel submitted that inadvertently the name “Krushikesh” was carried forward till the decree and till memo of appeal. When applicant no. 2 wanted to implement the order of withdrawal of money and produced his official documents, at that time, the difference in name was pointed out and therefore, the learned counsel has moved this Application. The learned counsel produced Pancard and Aadhar Card.

4. The learned counsel for original appellant submitted that claimant no. 2 should have moved the application before the Tribunal and it is to be verified.

5. Perused the photocopy of the Pancard and Aadhar Card and it shows the name of applicant no. 2 as “Rushikesh Rajendra Kale”. The the name of applicant no. 2 is to be spelt rightly as “Rushikesh” and not “Krushikesh”. Hence, I allow this Application in terms of prayer clauses (a) and (b). The original appellant is directed to correct the name of applicant no. 2 as “Rushikesh Rajendra Kale” in the cause title and appeal memo within two weeks and thereafter in the decree and judgment also, it is to be corrected accordingly.

6. There is no objection in respect of name of other applicants/claimants and if any order is passed, that can be implemented qua other claimants.
7. Parties to act upon the authenticated copy of this order.
8. Civil Application is disposed of.

(MRIDULA BHATKAR, J.)