

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application NO. 738 OF 2018
IN
Writ Petition NO. 6322 OF 1998

Smt.Vimal Vasantrya Songaonkar(deceased)

by Heirs & L.Rs.

...Petitioners

Versus

Shri. Ganesh Dadu Gaikwad

...Respondent

....

Mr. S.P. Thorat, Advocate for the Applicants/Petitioners.

....

CORAM : R. G. KETKAR, J.

DATE : 26th MARCH, 2018

PC.

1. Heard Mr.S.P Thorat, learned counsel for the applicants.
2. By this application, the applicants have prayed for correcting the name of petitioner No.1 Shailaja Shekhar Songaonkar to Shailaja Chandrashekhar Songaonkar and permit her to withdraw the amount deposited pursuant to the orders dated 10.12.2015 and 16.2.2016 passed by this Court as per the consent terms filed between the parties.
3. Mr. Thorat invited my attention to the order dated 10.12.2015 passed by this Court in W.P. No.6322/1998 and Review Petition No.76/2015. Writ Petition and Review Petition were disposed

of in terms of the consent terms filed between the parties. The petitioners were permitted to withdraw the amount deposited by the respondent along with accrued interest, if any. Mr. Thorat submitted that the respondents have no objection for the petitioners withdrawing the amount. However, the office is not permitting petitioner No.1 Shailaja Chandrashekhar Songaonkar to withdraw the amount as her husband's name is described as Shekhar instead of Chandrashekhar. He has invited my attention to the photo-copy of Aadhaar Card which shows that the name of Shailaja's husband as 'Chandrashekhar'. The photo-copy of Aadhaar card of Shailaja Chandrashekhar Songaonkar is taken on record and marked 'X' for identification. Even otherwise, from perusal of the testimony of Shailaja shows that her husband's name is shown as 'Chandrashekhar'. It is no doubt true that in the trial Court's judgment as also Appellate Court's judgment her husband's name is shown as 'Shekhar' and, therefore, the same name continues in the present Writ Petition.

4. In view photo-copy of Aadhaar card as also testimony of DW-1 Shailaja at Exhibit-124 in Suit No.46/1994, in my opinion this was a clerical error in describing husband's name of petitioner No.1 as 'Shekhar' instead of 'Chandrashekhar'.

5. In view thereof, the cause title of the petition stands corrected by substituting petitioner No.1's husband's name from 'Shekhar' to 'Chandrashekhar'. Necessary corrections be carried out in the Petition. The name of petitioner No.1 appearing in the order dated 10.12.2015 be read as '**Shailaja Chandrashekhar Songaonkar**' instead of 'Shailaja Shekhar Songaonkar'. Order dated 10.12.2015 stands corrected to the aforesaid extent only. Rest of the order shall remain as it is. Civil Application is disposed of in terms of prayer clauses (b), (c) & (d) with no order as to costs. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)