

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**CIVIL REVISION PETITION No.4851 OF 2018**

**ORDER:**

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/unsuccessful 1<sup>st</sup> claimant assailing the order, dated 10.07.2018, of the learned Chairman, Principal Motor Accidents Claims Tribunal, Nellore, passed in I.A.No.446 of 2018 in M.V.O.P.No.360 of 2016.

2. I have heard the submissions of the learned counsel for the revision petitioner/1<sup>st</sup> claimant. Though respondents are served, they have not entered appearance. I have perused the material record including the affidavit filed in support of the interlocutory application and the order impugned.

3. The facts, which are discernible from the record and submissions, are as follows:-

The 1<sup>st</sup> claimant/petitioner herein and others filed a claim petition in M.V.O.P.No.360 of 2016 (MVOP) before the Claims Tribunal claiming compensation on account of the untimely death of the husband of the petitioner/1<sup>st</sup> claimant due to his involvement in a motor vehicle accident. The Tribunal passed an award. In the cause title of the MVOP, the name of the petitioner/1<sup>st</sup> claimant was mentioned as "Puttamaneni Radha", with the surname of her husband's family. However, her records show her name with parental surname as "Tunakala Radhamma". At the time of receiving her share of compensation by filing a cheque application, the discrepancy in her surname has come to

be noticed. Hence, the petitioner/1<sup>st</sup> claimant filed the aforestated interlocutory application for permission to include her name “Tunakala Radhamma” as her alias name in the cause titles of the MVOP as well as the award *inter alia* stating that all her records disclose her name with her parental surname and, therefore, for realisation of the fruits of the award, it is necessary to seek amendment as aforestated. In the said application, a request is also made to consequently permit amendment of her name, name of the Bank, S.B. Account number and IFSC Code of the bank in the cheque application filed by her. However, the trial Court dismissed the petition on the ground that an appeal *vide* M.A.C.M.A.No.3152 of 2017 is pending before this Court.

4. Learned counsel for the petitioner/1<sup>st</sup> claimant submits that an amendment in the cause title of the M.A.C.M.A is to be sought for by the Insurance Company, which preferred the said appeal, and that the pendency of the appeal does not prevent the petitioner/1<sup>st</sup> claimant from seeking amendment of her name as aforestated in the cause title of the MVOP as well as the award passed by the Tribunal. He would also submit that the petitioner/1<sup>st</sup> claimant undertakes before this Court that necessary steps would also be taken in M.A.C.M.A., which is pending, as per procedure and that subject to such undertaking, the petition may be ordered by setting aside the order impugned.

5. In support of her submission for inclusion of her alias name in the pleadings of the MVOP and the award, the proceedings in Rc.No.A5/1641/2016, dated 18.05.2017, of the Collector & District Magistrate, Sri Potti Sriramulu Nellore District, related to

her appointment on compassionate grounds as Junior Assistant in the Revenue Department is filed along with her Identity Card issued by the Revenue Department.

6. Having regard to the facts and submissions, this Court is satisfied that this Civil Revision Petition can be disposed of with appropriate directions after setting aside the impugned order.

7. In the result, the Civil Revision Petition is disposed of and the impugned order is set aside and I.A.No.446 of 2018 in M.V.O.P.No.360 of 2016 on the file of the learned Principal Motor Accidents Claims Tribunal, Nellore is allowed in part, according permission to the petitioner/1<sup>st</sup> claimant for amendment of cause titles in M.V.O.P. No.360 of 2016 as well as the award by including her alias name "Tunakala Radhamma" in the cause titles after her name "Puttamaneni Radha" mentioned in the cause titles. It is made clear that this order is granted subject to the undertaking that she will take appropriate steps for amendment of her name as aforestated in the M.A.C.M.A pending on the file of this Court. However, insofar as the amendment of her name in the interim application filed for issuance of cheque etcetera, the petitioner has to approach the Tribunal by making fresh application in that regard.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Civil Revision Petition shall stand closed.

**JUSTICE M.SEETHARAMA MURTI**

Date: 15.11.2018  
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203

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**C.R.P.No.4851 OF 2018**

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AMD