

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 292 OF 2019
IN
CIVIL APPLICATION NO. 2338 OF 2017
IN
FIRST APPEAL NO. 2362 OF 2006**

Nivrutti Mahadev Chaudhary ..Applicant

In the matter between

The State of Maharashtra ..Appellant

V/s

Kesrinath Mahadu Chaudhary since
deceased through his L.R.

1-a Machindra Kesrinath Chaudhary ..Respondents.

Mr. Suresh M. Kamble, for the Applicant.

Mr. Vikrant A. Desai, for the Respondent Nos. 2-a to 2-e.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 28th AUGUST, 2019.**

P.C.

1 By order dated 04/03/2019, this Court has allowed withdrawal of 50% of compensation in favour of Nivrutti Mahadu Chaudhary and 5/7th of the remaining 50% was to be released in favour of Sandesh Machindra Chaudhary and Nitin Machindra

Chaudhary in equal proportion.

2 By letter dated 18/04/2019, the Registrar has informed the applicants that the amount deposited before this Court cannot be released since there is discrepancy in the name in the Cause Title viz-a-viz the name in the PAN Card, Aadhar Card and ECS Form. In the PAN Card, the name of the applicant is shown as “Nivrutti Mahadev Chaudhari”, in Aadhar Card, the name shown as “Nivrutti Mahadev Chaudhary” wherein the Appeal Memo, the name shown as “Nivrutti Mahadu Chaudhary”. Similarly, the name of Sandesh Macchindra Chaudhary is shown in the title of Probate Certificate, ECS Form, PAN and Aadhar Card as “ Sandesh Machhindra Chaudhari”. It is also stated that the name of Nitin Macchindra Chaudhary is shown in the title of Probate Certificate, ECS Form, PAN and Aadhar Card as “ Nitin Machhindra Chaudhari”.

3 The Learned Counsel for the applicants has placed on record affidavits of Nitin Macchindra Chaudhari, Sandesh Macchindra Chaudhari, in addition to, the affidavit of Nivrutti

Mahadev Chaudhari. It is stated that “Nivrutti Mahadu Choudhary” and “Nivrutti Mahadev Chaudhari”, “Sandesh Macchindra Chaudhari” and “Sandesh Machindra Chaudhary” and “Nitin Macchindra Chaudhari and “Nitin Machindra Chaudhary” are one and the same person. In the light of above, the Registry is directed to make the payment to the concerned applicants, as per the order dated 04/03/2019.

4 Civil Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)