

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAF] No.1018 of 2020
in
First Appeal No.600 of 2007 (D)

Sunanda wd/o Anil Pagrut & others

vs.

Omprakash s/o Motilal Tiwari & others

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.B. Patil, Advocate for Applicants/Appellants.

CORAM : S.M. MODAK, J.
DATE : 6th NOVEMBER, 2020.

Hearing was conducted through Video Conferencing and the learned Advocate(s) agreed that the audio and visual quality was proper.

Heard Shri A.B. Patil, learned Advocate for the applicants/appellants. Respondent No.4-Insurance Company is represented by learned Advocate Shri D.N. Kukday. He is not present.

The appellants have to pay the deficit court fee of Rs.14,175/-. Yet it has not been deposited. The correct name of appellant No.4 is Sumitra Onkarrao Pagrut. She was petitioner No.5 before the Motor Accident Claims Tribunal. However, her name was described as Sunita Onkarrao Pagrut in stead of Sumitra Onkarrao Pagrut before the Tribunal. The same mistake continued when the appeal was filed.

When she has gone for withdrawal (as this matter was finally disposed of), she found difficulty, because her identity documents describe her name as Sumitra Onkarrao Pagrut. Hence, the present application.

It is true that first the corrections are required to be made in the award and then in the record of this Court. The matter is of 2007. She has filed necessary documents. So, I do not find any difficulty in permitting correction in her name and then directing the Tribunal to allow appellant No.4 to make corrections therein.

In support of prayer, she has filed the photocopies of documents viz. Aadhar Card, Election Card, Bank Pass-Book and Ration Card. Her name is described therein as Sumitra Onkarrao Pagrut. Hence, the following order is passed.

Appellant No.4 is permitted to correct her name as Sumitra Onkarrao Pagrut by deleting her name as Sunita Onkarrao Pagrut.

Necessary corrections be allowed only on depositing of deficit court fee of Rs.14,175/-. Four weeks' time is granted to deposit the deficit court fee from the date of this order.

After the deficit court fee is deposited and after the corrections are made in the record of this Court, then the information be given to the Tribunal at Akola. Once the appellants will do corrections in the memo of appeal, necessary corrections be made in the judgment of this Court.

The application is disposed of.

JUDGE

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Waghmare

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