

IN THE HIGH COURT OF BOMBAY AT GOA

Misc. Civil Application No. 74 of 2020

HASMAT KUNTUGAL,
PONDA-GOA AND ANR.

..... APPLICANT

V E R S U S

THE UNITED INDIA INSURANCE
COMPANY LTD. AND ANR.

..... RESPONDENT

Mr. A. Shiroadkar, Advocate for the Applicant.

Mr. Suraj Naik, Advocate for the Respondent.

CORAM: DAMA SESHADRI NAIDU, J.**Date: 23rd March, 2021****O R D E R:**

The applicants in this disposed of Appeal are the original claimants before the Motor Accident Claims Tribunal, Panaji. They secured an award of compensation. Later, the Insurance Company filed First Appeal No.15/2012 before this Court but could not succeed, as the appeal was dismissed on 29/10/2013.

2. When the Insurance Company deposited the award amount, the petitioners wanted to withdraw that from the bank concerned but faced a technical problem.

3. When the applicants filed their claim application their names were mentioned as follows:

(i) Smt. Hasmat Kuntugal and (ii) Miss Shapura Kuntaugal.

4. The entire claim proceedings up to now continued to reflect the claimants' names thus. The claimants are said to be the wife and daughter of the deceased person.

5. Now, as the bank has spotted the difference in their names, the applicants have come up with this Miscellaneous Civil application for having their names corrected in the cause title and in the Judgment as well.

6. In response to the submissions advanced by the applicants' counsel, the learned counsel for the Insurance Company has vehemently opposed any change in the names. According to him, it is the applicants themselves that have filed the proceedings describing their names, as the cause title reflects. Instead of trying to correct the names at this stage, they can as well impress upon the bank concerned with the relevant documents about their identity and withdraw the amount.

7. Practically speaking, the method suggested by the learned counsel for the insurance company is fraught with problems. Instead, it would serve the ends of justice if this Court exercises its discretion and allows this application. After all the claimants have already suffered enough.

8. From the record, I see the aadhar cards of both the appellants with their names and the photographs. The applicants in para 2 of their application have pleaded that the correct names of the applicants must be read as follows:

(i) Hasmat Bi Hassan Kuntagol (ii) Sapura Hassan Kurtugod.

9. The discrepancy in the names is minimal and understandable. So long as the persons' identity is not doubted, other technicalities should not hold the Court back.

10. In the above circumstances, I allow this Miscellaneous Civil Application and direct the Registry to issue a fresh copy of the Judgment showing their corrected names in the cause title.

DAMA SESHADRI NAIDU, J.

AP/-

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