

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3711 of 2019
In
Miscellaneous Jurisdiction Case No.1439 of 2016

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1. Devendra Prasad Thakur, S/o Late Raghunandan Thakur, Resident of Village- Laluc Chhapra, Police Station- Paroo, District- Muzaffarpur.
 2. Pavan Devi, Wife of Late Ratendra Prasad Thakur, Resident of Village- Laluc Chhapra, Police Station- Paroo, District- Muzaffarpur.
 3. Raghuvendra Thakur, Son of Late Ratendra Prasad Thakur, Resident of Village- Laluc Chhapra, Police Station- Paroo, District- Muzaffarpur.
 4. Nitendra Kumar, Son of Late Ratendra Prasad Thakur, Resident of Village- Laluc Chhapra, Police Station- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Government of India, Ministry of Home Affairs, Freedom Fighters Division, New Delhi.
2. Sri Rajiv Mahrishi, the Secretary, Government of India, Ministry of Home Affairs, North Block, New Delhi.
3. Sri R.P. Sati, the Under Secretary, Govt. of India, Ministry of Home Affairs, First Floor, Lok Nayak Bhawan, Khan Market, New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Prasoon Sinha, Advocate
For the Union of India	:	Mr. Ram Anurag Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 19-10-2022 Heard Mr. Prasoon Sinha, learned counsel for the

petitioners and Mr. Ram Anurag Singh, learned counsel for

Union of India.

2. Learned counsel for the petitioners undertakes to



file fresh typed copy of page no. 1 of the application by tomorrow.

3. The present petition has been filed seeking permission to correct the spelling of the name of the petitioner no. 2.

4. Learned counsel for the petitioners submitted that the Court had passed an order in favour of 4 persons who were petitioners in MJC No. 1439 of 2016 which was disposed of by order dated 15.07.2019 upon production of cheque in favour of the petitioner no. 2 for an amount of Rs. 3,57,135/-. Learned counsel submitted that with regard to the remaining three petitioners their cheques were encashed but the petitioner no. 2's cheque could not be encashed due to there being difference in one alphabet in the name of the petitioner no. 2 inasmuch as the spelling of Pawan Devi in MJC No. 1439 of 2016 was "Pawan" whereas in the bank account of the petitioner no. 2 it is "Pavan". Thus, it was submitted that due to the aforesaid reason the cheque dated 28.06.2019 could not be encashed.

5. Learned counsel for Union of India submits that the authorities for reissuing the cheque need the original cheque which was handed over to the petitioner no. 2 on the earlier



occasion to be sure that it is not misused and the same has to be accompanied by an affidavit that “Pawan Devi” and “Pavan Devi” are one and the same person and the affidavit to this effect had also to be verified and also the bank details.

6. Learned counsel for the petitioners submitted that bank details of petitioner no. 2 have been given in paragraphs no. 4 and 5 of the present application. With regard to the original instrument, that is, the cheque dated 28.06.2019 bearing no. 359794, it was submitted that the same was given to him by the petitioner no. 2 but has now been misplaced somewhere. However, learned counsel contended that the validity of the cheque is only three months and the admitted position being that money has not been withdrawn or debited from the account of the person who has signed the cheque, the condition may be relaxed of returning the original instrument.

7. Having considered the matter, the respondent no. 1 is directed, after verifying with regard to non drawal of the cheque in question, to ensure that an amount of Rs. 3,57,136/- is credited into the account of the petitioner no. 2 through NEFT/RTGS, accepting the plea of the petitioner no. 2 that inadvertently, her name has been misspelt as “Pawan” instead of “Pavan” within four weeks from today.



8. The application stands disposed of in the aforesaid terms.

(Ahsanuddin Amanullah, J)

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