

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.247 of 2014

D.M., Reliance GIC LTD Appellant

-versus-

Shibani Mandal & Ors. Respondents

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
14.12.2022**

Order No

20. I.A. No. 1132 of 2022

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. This interim application has been filed with a prayer to direct the Registrar (Judicial) of this Court as well as the Appellant-Company to take back the Demand Drafts and cheques issued by them respectively in favour of Claimant-Respondent Nos.2 & 3 and to issue fresh Demand Drafts and cheques in their correct names.
3. It is contended that in the claim application since the name of Claimant-Respondent Nos.2 & 3 were wrongly described as Silpa Mandal and Rupa Mandal in place of Shilpa Mandal and Rumpa Mandal, the Demand Drafts and cheques issued in their favour are unable to be encashed by them. It is accordingly contended that because of wrong description of the Respondent Nos. 2 & 3 in the claim application, the said Respondents are unable to encash the Demand Drafts issued in their favour by the Registry of this Court

as well as the cheques issued by the Appellant-Company in terms of the order passed by this Court on 17.05.2022. It is accordingly prayed that the cheques issued by the Appellant-Company vide Cheque No. 658644 and 658645 dtd.06.07.2022 issued in favour of Rupa Mandal and Cheque No. 658652 and 658653 dtd.06.07.2022 issued in favour of Silpa Mandal be returned to the learned counsel appearing for the Appellant-Company with a direction to issue fresh cheques in their correct name i.e. Shilpa Mandal and Rumpa Mandal. Similarly, Demand Drafts issued by the Registry on 15.09.2022 in favour of Respondent Nos. 2 & 3 be encashed by the Registry and Registry be directed to issue fresh Demand Drafts in their correct names i.e. Shilpa Mandal and Rumpa Mandal.

4. Mr. G.P. Dutta, learned counsel for the Appellant-Company did not raise any objection to the prayer made by the Respondent Nos. 2 & 3 in the interim application, but he submitted that the cheques issued in favour of Respondent Nos. 2 & 3 be returned to him, so that he can take step for issuance of fresh cheques for the like amount in the correct names of Respondent Nos. 2 & 3.

5. This Court after going through the documents available on record also finds that while accepting the Demand Drafts from the Registry of this Court, Respondent Nos. 2 & 3 have put their signature as Shilpa Mandal and Rumpa Mandal. Not only that in the Aadhar Card as well as in the Pan Card the name of the Respondent Nos. 2 & 3 have been indicated as Shilpa Mandal and Rumpa Mandal.

6. Having heard learned counsel for the Parties and taking into account the grounds taken in the interim application, this Court while disposing the interim application, directs learned counsel for

the Appellant to take back the Cheque Nos. 658644, 658645, 658652 & 658653, all issued on 06.07.2022 and issue fresh cheques of the like amount in favour of the Respondent Nos. 2 & 3 in their correct name i.e. Shilpa Mandal and Rumpa mandal within a period of one month from the date of receipt of this order. Similarly, Registry is also directed to encash the Demand Drafts issued in favour of Respondent Nos. 2 & 3 on 15.09.2022 and issue fresh Demand Drafts of the like amount in their correct name i.e. Shilpa Mandal and Rumpa mandal within a period of one month from today. The cheques issued by the Appellant-Company as indicated above were handed over to Mr. G.P. Dutta, learned counsel for the Appellant-Company in Court today for doing the needful.

7. I.A. is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

