

MHLA070001162025



Order below Exh.1 MACP NO.12/2024
(Shivshankar Vs. Wajid)

The applicant filed this application under Section 152 and 153 of C.P.C. to correct his name in the original petition of MACP as Shivshankar Shriram Gajare (Telange) instead of Sumit Sriram Gajare (Telange).

2) As per the applicant his father Sriram Nagnath Gajare died in the motor accident on 23.03.2023. His mother and grandmother along with applicant and his two sisters (minor) filed MACP petition bearing No.5/2022 in this Tribunal. It was compromised in Lok-adalat on 03.03.2024 and insurance company agreed to pay Rs.14,60,000/- to the applicant and his co-applicants in original petition. The insurance company deposited the said amount in the matter.

3) After decision of the petition applicant came to know that his name mentioned in the original MACP petition as Sumit instead of Shivshankar. By mistake his name was mentioned in the petition as Sumit as he was called by the said pet name. However, his name is Shivshankar and appearing in all records. Due to that mistake he is unable to withdraw the said amount of Rs.1,60,000/- payable to him. Hence, he prayed for grant of application to correct his name as stated above.

4) Respondent No.2 insurance company filed reply at Exh.12 and resisted the application. Compromise at Lok-adalat is admitted by insurance company.

5) Now the question is whether there is a mistake in the petition in the name of applicant No.2 i.e. Shivshankar Sriram Gajare or Sumit Sriram Gajare. Section 152 of C.P.C. allow such correction. Now it is to be seen whether the person Shivshankar Sriram Gajare and Sumit Sriram Gajare is one and the same person or not.

6) I called record of the MACP No.5/2022. In the said petition name of applicant No.2 is mentioned as Sumit. However, on 25.01.2022 at the time of filing of the petition the applicants produced aadhar card of applicant No.1 to 4. The aadhar card of applicant No.2 is produced at list Exhibit 4/19. The said aadhar card shows that name of applicant No.2 is Shivshankar Sriram Gajare. The photograph of applicant No.2 is produced in the said matter. If the record produced by the applicant in this matter is perused it shows that both are one and the same persons. Hence, it is clear that the applicant No.2 in MACP No.5/2022 is having name Shivshankar Sriram Gajare (Telange) and his name is by mistake mentioned as Sumit. Hence, in the larger interest of justice and by invoking powers under Section 151 and 152 of CPC it is proper to correct the name of applicant No.2 from Sumit to Shivshankar in the petition and in the Exhibit-46 is just and proper. Hence, I proceed to pass following order.

Order

- 1) The name of applicant No.2 in MACP No.5/2022 be corrected from Sumit to Shivshankar in original petition as well as in memo of Loknyalaya Award at Exh.46.
- 2) The applicant to bear costs of the application.

Date : 20.03.2026

(D.B.Mhalatkar)
District Judge-1, Udgir