

**IN THE COURT OF SMALL CAUSES AT BANDRA, MUMBAI
(APPELLATE BENCH)**

(CNR No. MHSCA3-000037-2018)

MANARJI NO. 1 OF 2018

IN

MARJI APPLICATION NO. 91 OF 2017

IN

APPEAL NO. 14 OF 2015

IN

L.E. & C SUIT NO. 23/34 OF 2008

Smt. Saroj Rajendra Alag

]... Appellant
(Defendant)

V E R S U S

Cuthbert Alfred Creado

]... Respondent
(Plaintiff)

Ld. Advocate Mr. Shailesh Vasant Deolkar, for the Appellant.

Ld. Advocate Ms. Eventa A. Gonsalves, for the Respondent.

**Coram : S.J. Ramgadiya
Additional Chief Judge &
P.R. Choudhary
Ad-hoc District Judge &
Asst. Session Judge
Court Room No. 31,**

Date : 10th January, 2019

JUDGMENT: - (Per Shri P.R. Choudhary, Ad-hoc District Judge & Asst. Sessions Judge)

This is MANARJI application submitted by the respondent to permit him to withdraw the amount as permitted by Order dated 11.10.2017 in his name as CUTHBERT ALFRED CREADO by transferring the amount in his NEFT Account.

2. It is the contentions of the respondent that vide order dated 11.10.2017 passed in MARJI Application No. 91 of 2017 he is permitted to withdraw the amount deposited by the appellant. He further stated that he has filed the present application to withdraw the amount deposited by the appellant, but, the office of this Court has taken objection that his name in his PAN Card is mentioned as CUTHBERT MILES CREADO. He further stated that his father's name is Alfred and his father was also known as Nicholas Alfred Creado.

3. It is his further contentions that is first name is Cuthbert and his second/Christian name is Miles and therefore, in his PAN Card his name is mentioned as CUTHBERT MILES CREADO and his father's name as NICHOLAS ALFRED CREADO. Hence, he prayed to give directions to the office of this Court to permit him to withdraw the amount as permitted by order dated 11.10.2017 in his name as CUTHBERT ALFRED CREADO.

4. Appellant submitted their objection vide handwritten say on application itself.

5. We have heard both parties at length and perused application, say and copy of PAN Card submitted on record. Ld. Advocate for respondent argued and submitted that the respondent Mr. CUTHBERT ALFRED CREADO (mentioned in Court records) and Mr. CUTHBERT MILES CREADO (mentioned in respondent's PAN Card) is one and the same person. Therefore, it is necessary to allow the prayer of respondent.

6. It seen from the Court record papers and PAN Card that at both the places the name of respondent is appearing different. On Pan Card there appears the name of respondent and his father. Respondent is saying that his first name is Cuthbert and second name is Miles. Similarly in PAN Card his father's name is also mentioned in same way as First name of father is Nicholas and second name is Alfred. Considering all the above discussion, we think that it is necessary to allow the application and respondent be permitted to withdraw the amount subject to submission of the Affidavit by respondent alongwith his advocate's verification stating that Mr. CUTHBERT ALFRED CREADO and Mr. CUTHBERT MILES CREADO is one and the same person. Hence, we proceed to pass the following order.

: ORDER :

1. The MANARJI Application is allowed subject to submission of the Affidavit by respondent alongwith his advocate's verification stating that Mr. CUTHBERT ALFRED CREADO and Mr. CUTHBERT MILES CREADO is one and the same person.

2. After submission of the Affidavit as above, the respondent be permitted to withdraw the amount as prayed.

I agree,

(S.J. Ramgadiya)
Addl. Chief Judge,
Court Room No. 31,
10.01.2019

(P.R. Choudhary)
Ad-hoc District Judge &
Asst. Sessions Judge
Court Room No. 31,
10.01.2019

Typed on	:	10.01.2019
Checked and signed on	:	10.01.2019

(P.R. Choudhary)
Ad-hoc District Judge &
Asst. Sessions Judge
C.R. No. 31.