

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14642 of 2009

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M/S Suraj Construction, a Registered Partnership Firm having Office at Chhoti Marai, At & P.O. & P.S. Hajipur, Distt. Vaishali through its Partner Sri Jagmath Singh S/O Sri Kedar Singh, R/O Chhoti Marai, At & P.O. & P.S. Hajipur, Distt. Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Engineer-in-Chief, Cum Additional Secretary Cum Special Secretary Rural Works Deptt., Visheshwaraiya Bhawan, Patna
2. The Superintending Engineer Reo Works Circle, Darbhanga P.O., Distt. Darbhanga
3. The Executive Engineer Rural Works Division, At & P.O. Benipur, Distt. Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. Devendra Kumar Sinha, AAG-2
Mr. Biresh Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 03-02-2015 Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition, though the name of the learned counsel appearing on behalf of the petitioner is printed in the daily cause list.

Learned Additional Advocate General-2 appearing on behalf of the respondents has opposed the prayer made on behalf of the petitioner by referring to the averments made in the counter-affidavit filed on behalf of the respondent no.3. According to him, the petitioner has failed to discharge his duty as per the terms of the agreement. Therefore, the balance amount has been withheld by the respondents on account of non-discharge of duties as per the terms and conditions of the agreement. He further submits that the amount claimed by the petitioner is within the realm of the disputed question of facts and the claim is not admitted by the respondents.

In view of the fact that the claim raised on behalf of the petitioner is not admitted by the respondents and is within the realm of the disputed question of fact, no relief can be granted to the petitioner in the present writ petition.

It is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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