

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4426 of 2010

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M/S Sun International, situated at Narbadeshwar Niwas, New Kulharia House, Exhibition Road, P.S - Gandhi Maidan, District - Patna, through its Proprietor Awadh Kishor Rajgarhia, S/O Late Champa Lal Rajgarhia at present residing at Narbadeshwar Niwas, New Kulharia House , Exhibition Road, P.S- Gandhi Maidan , District - Patna -800001

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary Health Department Govt. Of Bihar, Patna
3. The District Magistrate, Bhagalpur
4. The District Health Society Sadar Hospital Campus, Bhagalpur, Through Its Member Secretary
5. The Civil Surgeon cum Member Secretary District Health Society, P.S - Bhagalpur, District- Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.K.Sinha 2

For the Respondent/s : Mr. Satya Deo Kumar, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 13-02-2015 Heard the parties.

The matter at issue is the claim of the petitioner for payment of its dues for supply of medicines to District Health Society, Bhagalpur. The petitioner has asserted that, it has supplied the medicines to the respondent no.2. Therefore, it is entitled to receive the payment for supply of medicines.

A counter affidavit has been filed on behalf of the respondent nos. 4 and 5 in which the claim of the petitioner has been seriously disputed.

Learned S.C.-5 appearing on behalf of the respondents submits that, in view of the averments made in the counter affidavit, the petitioner is not entitled to receive payment.

In above factual matrix, learned counsel appearing on

behalf of the petitioner seeks permission to withdraw the present writ petition with a liberty to approach the Civil Court of competent jurisdiction for grant of an appropriate relief on the basis of the evidence/materials produced by the parties.

Permission is accorded.

The writ petition stands dismissed as withdrawn with the liberty aforesaid.

(Birendra Prasad Verma, J)

Arvind/-

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