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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18399 of 2009

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Medichem Surgicals Benta Chowk, Ayachinagar , P.S.Laheria Sarai, Distt-Darbhanga through the Competent Person Shri Bishnudeo Thakur, husband of Late Meera Thakur , Proprietor of the Firm

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary Department of Health New Secretariat, Patna
2. Darbhanga Medical College & Hospital, Laheriasarai, Darbhanga through Superintendent
3. The Superintendent Darbhanga Medical College & Hospital, Laheriasarai, Darbhanga

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Vinay Kirti Singh, Advocate
Mr. Akhileshwar Singh, Advocate
For the Respondent/s : Mr. Devendra Kumar Sinha, AAG 2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

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5 23-03-2015 In compliance of the orders dated 09.02.2015 as also 25.02.2015, second supplementary counter affidavit on behalf of the respondent nos. 3 is being filed today, during the course of hearing of the case, which is taken on the record. In view of the order dated 25.02.2015, Dr.Shankar Jha, Superintendent of Darbhanga Medical College & Hospital, Laheriasarai is also in appearance in person.

In the second supplementary counter affidavit filed on behalf of the respondent no.3 it has been stated in paragraph 4 that admitted dues of the petitioner to the tune of Rs.5,87,905.00 has been paid by cheques dated 11.03.2015 and 16.03.2015, photo copies of which have been brought on the record as part of Annexure-G series.

The facts stated in the aforesaid supplementary counter affidavit is not being disputed by the learned counsel

appearing on behalf of the petitioner.

In above view of the matter, this Court is of the opinion that cause of action does not survive as the admitted contractual dues has already been paid to the petitioner. However, so far as the interest part is concerned, in the factual matrix of the case, this Court is not inclined to accede to the prayer for grant of interest.

Accordingly, the writ petition is disposed of as infructuous.

(Birendra Prasad Verma, J)

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