

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 24632 of 2013

Along with

Interlocutory Application No. 7592 of 2015

And

Interlocutory Application No. 7989 of 2015

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Mahmood Alam Son of Late Nazir Alam, Resident Of C-1, Quarter 2/8, R- Block,
Po- G.P.O., Police Station- Secretariat, District- Patna, Presently Salma Nazir
Building, Bank of Khaja Masjid, P.O and P.S- Arah Town, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home Branch, Bihar, Patna.
2. The Special Secretary- cum- Additional Legal Advisor, Department of Crime Investigation Department, Bihar, Patna.
3. The Senior Superintendent of Police (Crime), Darbhanga.
4. The Superintendent of Police (Crime), Criminal Investigation Department, Bihar, Patna.
5. Jitendra Kumar @ Rinku S/o Sri Srinath Singh, R/o Vill. + P.O.- Roopsagar, P.S. Nawanagar, Distt.- Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raghib Ahsan, Advocate.
For the State:		Mr. Anjani Kumar Sinha No. 1,
		Mr. Achal Kumar Sinha, Advocates.
	:	Mr. Mani Kant Mishra, G.P. 25.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 15-10-2015

Heard learned counsel for the petitioner, learned
G.P.-25 for the State and learned counsel for the respondent no. 5.

The dispute relates to payment of death-cum-retiral
benefits of late Padmawati Devi, whom the petitioner claims to be his
legally wedded wife after due conversion to Islam whereas the
respondent no. 5 is the son of the divorced husband of the deceased.

As per the contention of learned counsel for the
petitioner, the fact of conversion to Islam and marriage with the
petitioner has been noted in the service book of the deceased

maintained by the authorities and thus they are precluded from taking a contrary stand. It is submitted that initially 50% of 90% family pension was provisionally allowed to the petitioner by order dated 17.04.2015 but subsequently the same was also stayed, pending reconsideration, by order dated 11.06.2015.

Learned counsel for the State submits that because of the objection raised by respondent no. 5, the authorities were not in a position to finally decide the fact of marriage of the petitioner with the deceased and thus had asked both the parties to produce succession certificate. It is submitted that a succession certificate was produced before the authorities by the respondent no. 5 in his favour against which the petitioner has filed Revocation Case No. 08 of 2015 on 14.08.2015 which is pending before the Sub Judge, Ist, Buxar.

During the course of arguments, the parties have agreed that the nature of the controversy, based primarily on issues of fact, can be best decided by a Civil Court after taking evidence. It was further agreed that the Revocation Case pending before the Court below be expeditiously decided so that the matter can be settled once and for all.

In view of the aforesaid, the writ petition stands disposed off with a direction to the Court below, before which the Revocation Suit No. 08 of 2015 is pending, to decide the same in accordance with law after hearing all the parties, at the earliest and in any case positively by 30th June, 2016. It is made clear that the

Court concerned would not give indulgence to any of the parties if they try to delay the disposal of the case and shall proceed with the same so that the time limit fixed by the Court is strictly adhered to.

Learned counsel for the parties have also assured the Court that they shall cooperate in the matter. It goes without saying that non cooperation or resorting to dilatory tactics, being breach of the undertaking given before the Court, amounting to contempt of Court, shall lead to appropriate orders being passed against the concerned.

The parties also agree that they shall appear before the Court below along with a copy of this order on 30th October, 2015 when the Court concerned shall fix the next date keeping in view the time limit fixed by this Court for finally deciding the matter.

It is made clear that payment of all pending death-cum-retiral benefits of late Padmawati Devi shall be kept in abeyance and made only in terms of the final order that shall be passed in Revocation Suit No. 08 of 2015.

Interlocutory Applications No. 7592 of 2015 and 7989 of 2015 also stand disposed off.

(Ahsanuddin Amanullah, J.)

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