

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18538 of 2014

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1. Dewanti Kuer, Wife of Late Ram Chandra Prasad.
 2. Manoj Kumar (minor)
 3. Santosh Kumar (minor). Both sons of Late Ram Chandra Prasad under the guardianship of their mother Dewanti Kuer who is their natural guardian. All are resident of village- Kesath, P.S.- Dawath, District- Rohtas.

.... Petitioners

Versus

1. The State of Bihar, through the Principal Secretary, Department of Finance and Banking, Bihar, Patna.
2. The chairman, Madhya Bihar Gramin Bank, Patna.
3. The Managing Director, Madhya Bihar Gramin Bank, Bihar, Patna.
4. The Branch Manager, Madhya Bihar Gramin, Bank, Sasaram, District- Rohtas.
5. The Branch Manager, Madhya Bihar Gramin, Bank, Shivpur, Bikramganj, District- Rohtas.
6. Ram Kesari Kuer, Wife of Late Ram Chandra Prasad. resident of village- Kesath, P.S.- Dawath, District- Rohtas. At present C/o Manorma Devi, W/o Tuntun, Village- Telarh, P.S.- Agiaon Bazar, District-Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Respondent/s : Mr. Binod Ji Verma, G.P.-17

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-05-2016

Heard learned counsel for the parties.

The issue raised by the petitioners in the present petition cannot be decided under Article 226 of the Constitution of India. They will have to move to a Civil Court of competent jurisdiction for appropriate declaration with regard to the right of the second wife and the so-called progenies.

A counter affidavit on behalf of Bank has been filed. In the counter affidavit, it is clearly stated that the records do not show

anything with regard to existence of the second wife or any children thereof. Such matter will be required to be decided by the Civil Court.

Writ is disposed of with liberty, as above.

(Ajay Kumar Tripathi, J)

Vats/-

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