

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.868 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 4085 of 2009

Along with

Interlocutory Application No.3679 of 2015

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Sunil Kumar, son of late Mohan Lal Saraf. resident of Behind Rani Sati Mandir,
Sikandarpur, P.S.- Nagar Thana, Muzaffarpur, District - Muzaffarpur.

.... Petitioner- Appellant/s

Versus

State of Bihar through the District Election officer cum District Magistrate
Muzaffarpur.

.... Respondent -Respondent/s

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Appearance :

For the Appellant/s : Mr. Pankaj Maijorwar, Advocate

For the Respondent/s : Mr. Sunil Kumar Singh, A.C. to S.C.-27

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 07-09-2016

Re.: Interlocutory Application No.3679 of 2015

The application is for condonation of delay of 8 days in
filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that
sufficient cause is made out for condonation of delay. Consequently,

we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.868 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 22nd January, 2015 whereby, the claim of the appellant for payment of Rs.97,268/- for the work done by him in the year 1999 was partly accepted in view of the stand of the respondents to the effect that Rs.57,718/- is the amount due and payable to the appellant.

We find that the writ application is simplicitor money claim and that too for the work done in the year 1999. The writ application was filed in the year 2009, i.e. after more than 10 years of the cause of action having been arisen. The same could not have been entertained at all. It is disputed question of fact as to whether the appellant is entitled to Rs.97,268/- or not. Such dispute could be raised by the appellant only before the Civil Court and not before the Writ Court and that too after 10 years. The Learned Single Judge has ordered payment of an amount admitted to be due. The appellant cannot claim remaining amount from the writ court or in Letters Patent Appeal.

Consequently, we do not find any merit in the Letters Patent Appeal. The same is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N. A. F.R
CAV DATE	N. A.
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