

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1291 of 2015
In
Civil Writ Jurisdiction Case No. 8079 of 2009

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Lakshmi Devi

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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with

Miscellaneous Jurisdiction Case No.1164 of 2016

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The Union of India through Secretary Ministry Of Home Affairs, & Ors

.... Petitioner/s

Versus

Lakshmi Devi & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Namrata Mishra
For opposite party nos.2 & 3 Mrs. Kanak Verma, CGC
For the intervener : Mr. Manish

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04 06.12.2017 MJC no. 1291/2015 and MJC no. 1164/2016

are taken together as both the aforesaid petitions arise out of order dated 27.11.2014 passed in CWJC no. 8079/2009.

It would appear from perusal of order dated 27.11.2014 passed in CWJC no. 8079/2009 that this court directed opposite party no.3 who was respondent no.2 in CWJC no. 8079/2009 to ensure payment of arrears of family pension of Rasho Devi in favour of



substituted heir as well as intervener petitioner within two months but it appears from averments made in MJC no. 1291/2015 as well as averments made in MJC no. 1164/2016 that order of this court has not been complied by the concerned opposite party on the ground that substituted heir as well as intervener petitioner have not filed any succession certificate or undertaking.

However, in course of hearing learned counsel for the petitioner in MJC no 1291/2015 as well learned counsel for the petitioner in MJC no. 1164/2016 submitted that substituted heir as well as intervener are ready to give undertaking to the concerned opposite party.

In view of the aforesaid submissions as well as facts and circumstances of the case, both the above sated petitions stand disposed of giving direction to respondent no.2 of CWJC no. 8079/2009 to ensure the compliance of order dated 27.11.2014 passed in CWJC no. 8079/2009 within one week from the date of giving undertaking by the substituted heir as well as intervener of CWJC no. 8079/2009. However, it is made clear that



if the concerned authority fails to comply with the previous order as well as this order of this court, the petitioners shall be at liberty to make a fresh prayer for initiating contempt proceeding against opposite parties.

Shahid **(Hemant Kumar Srivastava, J)**

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