

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.613 of 2014
IN
Civil Writ Jurisdiction Case No. 9587 of 2013**

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1. Sujata Kumari
2. Sudhanshu Kumar Shekhar Both are daughter and son of Late Krishna Ram Resident of Pandit B.N. Jha Road, Hindi Vidyapith, Chhota Gate, in the Hanuman Mandir Gali, District- Deoghat (Jharkhand) Appellant no. 2 is minor and represented through her sister Appellant no. 1.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna
2. The President, District Consumer Forum Jamui
3. The Commissioner, Munger Division, Munger
4. The Collector, Jamui
5. The Accountant General, Bihar, Patna
6. Babita Sinha Wife of Late Krishna Ram, Resident of Pandit B.N. Jha Road, Hindi Vidyapith, Chhota Gate, in the Hanuman Mandir Gali, District- Deoghat (Jharkhand)
7. Pyari Devi, Wife of Late Krishna Ram, Resident of Village- Massaurhi, Kashmirganj, near Shiv Mandir, P.S.- Massaurhi, District- Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar
Mr. Akash Keshav

For the Respondent No. 7 : Mr. Sanjay Kumar Ghosarvey

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 16-03-2017

The appellants claim themselves to be the children of Late Krishna Ram from the so called third wife. But from perusal of materials on record, the only thing which emerges is that the so called third wife, namely, Babita Sinha had two children at the time of her marriage



with Late Krishna Ram. Though there is evidence, annexed as Annexure-5, where Late Krishna Ram had taken responsibility upon himself to take care of the two children as well.

On the death of the employee, Late Krishna Ram, the first wife, Pyari Devi, claimed benefit. The dispute initially was raised before the District Magistrate, who, after hearing the parties, passed the order in favour of the first wife and the Learned Single Judge has upheld such a decision to be valid and correct and now these appellants have approached the High Court, challenging the decision of the Learned Single Judge.

After having heard the parties and perused the order, dated 05.02.2014, passed in C. W. J. C. No. 9587 of 2013, the Court is of the opinion that the Learned Single Judge has committed no error by upholding the order of the District Magistrate, Jamui.

But, so far as claim of these appellants are concerned, in the controversial bundle of facts and where some serious disputes are raised also with regard to their status, no relief as such can be extended to them, except with a leeway that they are free to move the civil court of competent jurisdiction to seek declaration in law, if they succeed to make out a case to claim inheritance under Late



Krishna Ram.

The appeal is otherwise dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
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