

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5000 of 2016

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Smt. Sushma Devi w/o Binod Kumar Mishra, r/v- Manihari (High School Road),
P.S. – Manihari, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. District Magistrate, Katihar, Bihar
3. District Magistrate, Purnea, Bihar
4. Branch Manager, S.B.I. Bhatta Bazar Branch, Purnea
5. Branch Manager, S.B.I. Main Branch Mirchai Bari, Katihar
6. Pramod Kumar Jha s/o Late Badri Narayan Jha, at Manihari, P.S. – Manihari,
District - Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Swapnil Kumar Singh, AC to GP-19
Mr. Kaushlendra Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 01-11-2017

No one appears on behalf of the petitioner.

Mr. Kaushlendra Kumar Sinha learned counsel appearing on behalf of the State Bank of India submits that in the instant case there is absolutely no issue of payment of post-retiral dues. From perusal of the writ petition, it appears that the entire writ application is with regard to the dispute of partnership.

Reading in between the lines of writ application, the court finds that the present writ application is totally misconceived. The dispute is of partnership which cannot be adjudicated in writ application. For said dispute, the civil suit is remedy, as submitted by Mr. Sinha. In fact, in the entire writ application there is neither any



relief prayed for nor there is any pleading as to any grievance for payment of post-retiral dues and as such, the present writ application is not maintainable.

Considering the submission of Mr. Sinha and after going through the records of the case, I am of the considered view that the prayer made in the writ application is not maintainable. The remedy with regard to partnership business dispute is available by way of filing civil suit before the competent civil court. So far as, the post-retiral dues is concerned, in absence of any pleading for grant of post-retiral dues, no relief can to be granted to the petitioner. The petitioner shall be at liberty to raise such partnership dispute before the competent authority. The present writ application in the form it has been filed is not maintainable and it is accordingly dismissed.

(Anil Kumar Upadhyay, J)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03/11/2017
Transmission Date	NA

