

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5387 of 2015

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M/s Chitrabani Cinema, Purnea, through its Managing Partner, Dharmo Narayan Saha, Resident of Bhatta Bazar, Purnea, Police Station- K. Hat, District- Purnea, at present residing at School Para, Katihar, Police Station- Katihar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Presiding Officer, Labour Court, Purnea.
3. The Additional Labour Commissioner-cum- notified Officer, Purnea.
4. Certificate Officer, Katihar.
5. Ram Prakash Kunwar son of Late Gore Lal Kunwar, Resident of village-Tetri Via- Naugachhi, P.O.- Gopalpur, District- Bhagalpur.
6. United Commercial Bank, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Adv.
For the Resp. No.5	:	Mr. Sharda Nand Mishra, Adv. Mr. Deepak Kumar, Adv.
For the State	:	Mr. Subodh Kr., AC to SC26
For the Bank	:	Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the parties.

The present matter relates to payment to the private respondent which has been asserted by the petitioner that the same has been paid which has been contradicted by the private respondent.

Earlier the petitioner had approached this Court in C.W.J.C. No. 5283 of 2009 and, vide order dated 6.12.2010, this Court directed the petitioner to appear before the Certificate Officer who will conduct enquiry with respect to making payment of the amount to the private respondent. As per learned counsel for the



private respondent, the petitioner, after that order, has not appeared before the Certificate Officer but, challenged the final order.

When this Court has passed the order then the petitioner was required to appear before the authority and extend assistance for arriving to a true finding.

Let the petitioner should appear before the Certificate Officer and the Certificate Officer, after taking evidence from both the sides, will find out the factual position with regard to status of payment to the private respondent.

If the Certificate Officer would arrive to a finding that the payment has been made to the private respondent, he will pass an order accordingly but, if the finding goes contrary, in such circumstances, the petitioner will have to deposit the said amount.

With the aforementioned observation, this writ application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.10.2017
Transmission Date	NA

