

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5502 of 2018

Sunita Devi, Wife of Late Sudhir Kamti, resident of Village - Chanua Tola,
Ahiyari Uttar Tola, P.S. - Kamtaul, District – Darbhanga

... Petitioner

Versus

1. The North Bihar Power Distribution Co. Ltd.
2. The Chairman-cum-Managing Director, North Bihar Power Distribution Co. Ltd., Muzaffarpur.
3. The Deputy General Manager-cum-Electrical Superintending Engineer, Mithila Electric Supply Area, Da
4. The Executive Engineer, Electric Supply Division, Darbhanga Rural.
5. The Assistant Electrical Engineer, Electric Supply Division, Darbhanga.
6. The Sub Divisional Officer, Electric Supply Division, Darbhanga, Kamtaul.
7. Bibha Devi @ Vidya Devi D/o Parmeshwar Kamti R/o Dadiya, P.O. - Kamtaul, P.S. - Bisfi, District - Madhuabni.

... Respondents

Appearance :

For the Petitioner	:	M/s Sunil Kumar Pandey & Aditya Dev, Avs.
For the NBPDC	:	Mr. Vinay Kirti Singh, Sr. Adv. with M/s Vijay Kumar Verma & Akhileshwar Singh, Advs.
For respondent 7	:	Mr. Bhubneshwar Prasad, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-04-2019 Heard learned counsel for the petitioner, the learned counsel appearing for the North Bihar Power Distribution Corporation (hereinafter referred to as, ‘the Corporation’) and learned counsel appearing for the private respondent no. 7, who claims to be the second wife of the deceased, Sudhir Kamti.

Petitioner, in the present writ application, claims the retiral benefits of her husband claiming to be the first wife. The husband of the petitioner died in harness on 01.08.2010. Since, during the life time of the first wife, the late employee had entered into a wed lock with respondent no. 7, a letter has been issued by the respondent no. 4, the Executive Engineer, Electric Supply Division, Darbhanga (Rural), which is Annexure 6,



dated 05.04.2016, by which the petitioner has been asked to produce the succession certificate for her claim as there are two claimants. Petitioner seeks quashing of the said letter, dated 05.04.2016.

In view the nature of claim, as made by the petitioner, either the petitioner should produce a succession certificate or arrive at the settlement with respondent no. 7 as to the share to be divided between the two with regard to the death-cum-retiral benefits of the late employee. This Court would not entertain such matters where there are disputed facts which could internally be resolved by the two claimants or by providing a succession certificate.

Considering the submissions of the parties, this Court would not adjudicate the claim of the rival claimants who would either settle the issue between themselves or get a succession certificate from the Court of competent jurisdiction.

The writ application is **disposed of**, accordingly.

(Nilu Agrawal, J)

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