

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1243 of 2017

In
Civil Writ Jurisdiction Case No.1511 of 2016

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1. The State Of Bihar
 2. The Agriculture Production Commissioner, Bihar, Patna
 3. The Bihar Agriculture Management and Expansion Training Institute, near CRPS, Bihar Veterinary College, Jagdeo Path, Patna through its Director
 4. The Director, Bihar Agriculture Management and Expansion Training Institute, near CRPS, Bihar Veterinary College, Jagdeo Path, Patna through its Director

... .. Appellant/s

Versus

M/s Mukesh Kumar, Proprietorship Firm Through Its Proprietor Mukesh Kumar Son of ramesh Kumar having its plae of business at 1st floor, Chaudhary Market, Ashok Raj Path, P. S. Pirbahore, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Hari Mohan Mishra, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 13-01-2020

The appellants pray for the following relief:-

“To admit this memo of appeal, call for the records of this case and issue notice to the respondent/writ petitioner to show cause or causes as to why the impugned order dated 2.5.2017 passed in CWJC No. 1511 of 2016 be not set aside and after return of the rule and upon hearing the parties further be pleased to set aside the order dated 2.5.2017 passed in CWJC No. 1511 of 2016.”

Having heard learned counsel for the appellants, we



find no merit in the present appeal which is, accordingly, dismissed.

Before us it could not be disputed that the conclusions arrived at by the learned Single Judge, factual in nature, are borne out from the record and based on correct and complete appreciation of materials so placed by the parties.

300 pieces of Bags along with Trolley were supplied by the respondent-writ petitioner which along with the bags were consumed. The appellants were left with two options. Either to return the good so supplied, which were found to be defective or to make good payment thereof.

They choose not to do so, and as such the appellants are left with no option but to make good the payment in terms of what stands observed by the learned Single Judge and as such the present appeal assailing the judgment dated 2.5.2017 passed in CWJC No. 1511 of 2016 titled as M/s. Mukesh Kumar Vs. The State of Bihar and others stands dismissed.

(Sanjay Karol, CJ)

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(Anil Kumar Upadhyay, J)

