

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8675 of 2022

Shailendra Kumar, Son of Shri Bhupendra Narain Sinha, resident of Madhuri Sadan, Jagdeo Path, Near Prachi Sidhartha Apartment, Bailey Road, Patna-800014.

... .. Petitioner/s

Versus

1. The New India Assurance Company Limited through the Chairman-cum-Managing Director, Head Office at Mahatma Gandhi Marg, Fort Mumbai-400001.
2. The Chief Regional Manager, The New India Assurance Company Limited, Regional Office at 6th and 7th Floor, BSFC Building, Frazer Road, Patna-800001.
3. The Regional Manager, The New India Assurance Company Limited, Regional Office at 6th and 7th Floor, BSFC Building, Frazer Road, Patna-800001.
4. Manager (Legal), The New India Assurance Company Limited, Regional Office at 6th and 7th Floor, BSFC Building, Frazer Road, Patna-800001.
5. The Manager and Chief Public Information Officer, The New India Assurance Company Limited, Regional Office at 6th and 7th Floor, BSFC Building, Frazer Road, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saket Kumar, Advocate
For the Respondent/s : Mr.Sanjay Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

8 01-09-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“That the present writ application is being filed on behalf of the petitioner with a prayer to issue appropriate writ(s)/Order(s)/direction(s) in the nature of Mandamus directing the respondents Company to pay the dues/fees as contained in Annexure-2 of the petitioner for the work which the petitioner has done in his capacity as empanelled lawyer of the Company under the facts and circumstances as



mentioned hereinafter in the present application.”

2. The concerned respondent has passed an order rejecting the petitioner’s claim while disputing certain issues. Therefore, disputed issues cannot be adjudicated in a writ petition.

3. Accordingly, the present petition stands disposed of. Disposal of the present petition would not be a hurdle for the petitioner to invoke appropriate remedy insofar as disputed issues are concerned. In the light of Apex Court decision in the case of *Shalini Shyam Shetty & Another vs. Rajendra Shankar Patil* reported in (2010) 8 SCC 329 so also in the case of *Rajasthan State Industrial Development & Investment Corporation & another vs. Diamond & Gem Development Corporation Ltd.* reported in (2013) 5 SCC 470 writ petition is not maintainable.

4. The concerned jurisdictional authority/court is hereby directed to take note of Section 14 of Limitation Act for the purpose of condonation of delay in filing application or suit, etc.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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