

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.133 of 2023

In
Civil Writ Jurisdiction Case No.13574 of 2022

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Kundan Kumar, S/o Late Chandra Bhushan Singh, Resident of Village- Saidi,
Post- Badi, P.S.- Katarisarai, District- Nalanda.

... .. Petitioner

Versus

1. The Managing Director, Bihar State Food and Civil Supply Corporation Ltd.
Bihar, Patna.
2. The District Manager, Bihar State Food and Civil Supply Corporation Ltd.,
Sheikhpura.
3. The Chief Finance Officer, Bihar State Food and Civil Supply Corporation
Ltd. Bihar, Patna.
4. Mostt. Nirmala Devi W/o Late Chandra Bhushan Singh, Resident of Village-
Saidi, Post- Badi, P.S.- Katarisarai, District- Nalanda.

... .. Opposite Parties

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with
Civil Writ Jurisdiction Case No. 3949 of 2023

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Nirmala Devi, Wife of Chandra Bhushan Singh, Resident of Village- Saidi,
Post-Wadi, P.S.-Katrisarai, District-Nalanda.

... .. Petitioner

Versus

1. The Managing Director, Bihar State Food and Civil Supply Corporation
Limited, Bihar, Patna.
2. The District Manager, Bihar State Food and Civil Supply Corporation
Limited, Lakhisarai (Bihar).
3. The Chief Finance Officer, Bihar State Food and Civil Supply Corporation
Limited, Bihar, Patna.

... .. Respondents

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Appearance :

(In CIVIL REVIEW No. 133 of 2023)

For the Petitioner/s :	Mr. Abhishek Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Shailendra Kumar Singh, Advocate
	Mr. Dhananjay Kumar Tiwary, Advocate

(In Civil Writ Jurisdiction Case No. 3949 of 2023)

For the Petitioner/s :	Mr. Rajesh Kumar Chaudhary, Advocate
For the Respondent/s :	Mr. Shailendra Kumar Singh, Advocate
	Mr. Dhananjay Kumar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 05-03-2025

Ref: Civil Review No. 133 of 2023

The present Civil Review No. 133 of 2023 is arising out of C.W.J.C. No. 13574 of 2022.

2. On 19.04.2024, we have passed the following orders:-

“Pursuant to our previous order, Nirmala Devi, wife of late Chandra Bhushan Singh and Kundan Kumar, son of late Chandra Bhushan Singh are present.

2. We have apprised both the parties for amicable settlement and they have agreed.

3. Late Chandra Bhushan Singh had executed certain works with the Bihar State Food & Civil Supply Corporation Ltd, Bihar. Resultantly, the amount of Rs. 83,28,990/- (Rupees Eighty Three Lakhs Twenty Eight Thousand Nine Hundred and Ninety) has been received by Nirmala Devi and still a sum of Rs. 1,39,74,810/- (Rupees One Crore Thirty Nine Lakhs Seventy Four Thousand Eight



Hundred and Ten) was required to be disbursed by the Bihar State Food & Civil Supply Corporation Ltd, Bihar in favour of Nirmala Devi.

4. Taking note of payment already received by Nirmala Devi, wife of late Chandra Bhushan Singh is Rs. 83,28,990/- (Rupees Eighty Three Lakhs Twenty Eight Thousand Nine Hundred and Ninety) – Income Tax deduction. She is stated to have received around a sum of Rs. 76 lakhs in which she has agreed that she will pay a sum of Rs. 30 lakhs in favour of the Kundan Kumar while retaining the remaining the amount. Similarly, an amount which is due to the extent of Rs. 1,39,74,810/- (Rupees One Crore Thirty Nine Lakhs Seventy Four Thousand Eight Hundred and Ten). She will get certain amount after deduction of income tax. Out of such amount to be received by her, she is prepared to pay a sum of Rs. 40 lakhs to Kundan Kumar in order to give quietus to the dispute among the mother and son in respect of work executed by late Chandra Bhushan Singh. In this regard, both the parties are hereby directed to



prepare settlement of deed and place it on record before the next date of hearing in order to give quietus to the litigation.

5. Re-list this matter on 10.05.2024.

6. Personal appearance of respective parties is needed on the next date of hearing also so as to obtain their respective signatures in the file.

7. Learned counsels for the respective parties are hereby directed to identify their respective parties on the next date of hearing.”

3. Today, learned counsel for the Appellant-Kundan Kumar, on instruction, submitted that Respondent – Nirmala Devi, mother of Kundan Kumar has backed out in sharing the amount which she is received / she would be receiving from Bihar State Food & Civil Supply Corporation Ltd. Therefore, the review petitioner has not made out a case so as to examine insofar as reviewing the order passed in C.W.J.C. No. 13574 of 2022.

4. Accordingly, Civil Review No. 133 of 2023 stands disposed of.

5. At this stage, learned counsel for the petitioner-



Kundan Kumar submitted that he had certain judicial pronouncement in his favour in the suit relating to succession, if it is so, he may take the benefit of the same and place it before the competent Forum and apprise the Authorities / Forum, in accordance with law.

6. With the above observation, Civil Review petition stands disposed of.

Ref: C.W.J.C. No. 3949 of 2023

7. In the instant petition, the petitioner has prayed for the following reliefs:

“I. To issue a Writ in the Nature of Mandamus directing the Respondents to make payment of entire admitted outstanding dues amount Rs. 1,39,74,810.32/= against the contractual work done in the capacity of transporting cum handling agent in terms of Agreement Executed on 02.11.2015 held between the parties (Husband of the petitioner now deceased and District Manger Respondent No.2 hereof).

II. To hold and declare that the said outstanding dues amount accrued due to work



done by husband of the petitioner who died later on is the legitimate dues of Petitioner and which is forthwith interest because petitioner is bonafide legal heir of her husband.

III. To hold and declare that non-action of respondents towards said payment is violation of Article 21, 300-A and 299 of Constitution of Indian.

IV. To grant any other relief / reliefs for which the petitioner is entitled for and the Hon'ble Court deems fit and proper."

8. 1st Respondent – The Managing Director, Bihar State Food and Civil Supply Corporation Limited, Bihar, Patna is hereby directed to take note of grievance of the petitioner and redress the same in accordance with law within a period of three months from the date of receipt of this order. In this regard, he/she is hereby directed to pass a detailed speaking order and communicate the same to the petitioner. If she is entitled to any sum of amount in respect of execution of contractual work by petitioner's husband – Chandra Bhushan Singh.

9. With the above observation, the present C.W.J.C. No. 3949 of 2023 stands disposed of. Pending I.As, if any,



stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2025
Transmission Date	NA

