

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5505 of 2011

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Vinita Devi, w/o Raj Kishore Pandit and daughter-in-law of Parni Devi, resident of ward no. 9/16, New Ward No. 22 under Araria Municipality, P.S. Araria, District-Araria. At present resident of near Jehanabad Police Station-Jehanabad.

.... Petitioner/s

Versus

1. The General Manager, the Sahara India Corporation Ltd. Command Office, Sahara India Bhawan, 1-Kapurthala Complex, at Aliganj, Lucknow
2. The Branch Manager (Sector Manager) at Sector Office, Sahara India, Araria Branch, Ward No. 14, P.S. Araria, District-Araria
3. Sri N.K. Paul, Chief of the Divisional Office, Divisional Branch, Patna (Sahara India) Near Gandhi Maidan

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

6 05-11-2015 Heard Mr. Ajay Kumar, learned counsel appearing for the petitioner and Dr. Uma Shankar Prasad appearing for the respondent Sahara India Limited.

The petitioner prays for a writ in the nature of mandamus commanding the respondent to abide by the award of the sole arbitrator passed in Arbitration Case No. 1 of 2007, a copy of which is placed at Annexure-5 to the writ petition whereunder the claim of the petitioner has been upheld and the respondents have been directed to make payment of the death heath amount as claimed by the petitioner within three months of the award. By the same order the compensation claimed by the petitioner has been rejected. Paragraph-14 and 15 of the writ

petition manifests that the petitioner moved the Sub-Judge, Araria as well as the District Judge, Purnea for enforcement of the award but the challenge has been withdrawn. Apart from the fact that the very maintainability of this writ petition would be an issue of adjudication, another aspect which does not persuade this Court to keep this writ petition pending is that it is stated at bar by Dr. Prasad that the award which is the foundation for the writ petition, has been questioned by the respondents before the District Judge, Purnea in Appeal Case No. 134 of 2011 and thus the claim advanced through the writ petition is premature at the present stage.

In the circumstances so discussed hereinabove, this Court without expressing any opinion as to the maintainability of the writ petition as well as on the merits thereof, would dispose of the writ petition in view of the pendency of the matter before the District Judge, Purnea and the petitioner would be at liberty to raise all issues as raised herein before the said forum.

Considering that the contest is arising out of an arbitration award, the District Judge, Purnea shall be well advised to dispose of the appeal expeditiously but in accordance with law and after hearing the contesting parties.

The writ petition stands disposed of accordingly.

(Jyoti Saran, J)

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