

IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.12 of 2015

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Dr. Ram Sundar Ram Kanaujia, S/o Late Rajbanshi Ram, Resident of Khagaul Road, Near Saguna More, P.S. Danapur, District Patna

.... Petitioner

Versus

1. M/s Nadia Homes India Pvt. Ltd. through its Director Naushad Haider Khan, son of Haseen Haidar Khan, Resident of 101 Marwa Apartment, Behind Hotel Capital Hill, Main Road, Ranchi Town Jharkhand.

2. Naushad Haidar Khan, son of Haseen Haidar Khan, Resident of 101 Marwa Apartment, Behind Hotel Capital Hill, Main Road, Ranchi Town Jharkhand.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate

For the Respondents: None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-03-2016

Heard learned counsel for the petitioner.

2. The present request petition has been filed for appointment of Arbitrator in connection with the disputes alleged to have been raised between the parties pursuant to the registered development agreement executed on 27.09.2012 between the parties.

3. At the very outset, this Court takes note that the present request case has been filed on 10.04.2015 without, however, enclosing any document to indicate that any prior demand for arbitration had been made by the petitioner. The matter was adjourned on 15.01.2016 to enable the petitioner to bring on record any such document in his support, if available.

4. A supplementary affidavit has now been filed on

17.03.2016 but, however, learned counsel for the petitioner does not press the same.

5. In view of the admitted position that the present request case has been filed without any demand for arbitration having first been made by the petitioner as contemplated under the provisions of the Arbitration & Conciliation Act, 1996, the request petition accordingly stands dismissed as not maintainable.

6. Needless to say, the petitioner may demand for arbitration in accordance with law, if so advised.

(Vikash Jain, J)

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