

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.25 of 2015

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Divya Pendharker @ Divya, wife of Nikhil Pendharker, resident of Mohalla Mohanpur, Punaichak, P.S. Shastrinagar, District Patna – 800 023 through her Power of Attorney – Amrendra Kumar Sharma, son of late S.N.Thakur, resident of Mohalla Mohanpur, Punaichak, Police Station Shastrinagar, Dist. Patna.

.... Petitioner

Versus

M/s Nesh India Infrastructure Private Limited, having its registered office at NESH INN Building, 19+20 Kidwaipuri, P.S. Budha Colony, District Patna through its Managing Director Shri Shashi Bhushan Singh, Son of Shri Chandrika Prasad, resident of 501, Laxmi Hari Niwas, Kavi Raman Path, Nageshwar Colony, P.S. Budha Colony, Dist. Ptna.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Arvind Kumar Jha, Advocate

For the O.P. :

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 21-01-2016

Heard learned counsel for the petitioner.

2. The present petition has been filed for appointment of an Arbitrator for resolving the disputes in terms of Clause 17 of the registered agreement between the petitioner and the opposite party.

3. At the very outset this Court takes note that even from the Registered notice dated 18.05.2015 sent by the petitioner it does not appear that the Opposite Party was called upon in the matter of appointment of an Arbitrator. Learned counsel for the petitioner is also not able to

demonstrate that he had invoked the arbitration clause in the agreement at any point of time before approaching this Court.

4. In the above view of the matter therefore, this Court is of the view that the present petition is premature and the same stands dismissed.

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(Vikash Jain, J)