

IN THE HIGH COURT OF JUDICATURE AT PATNA

Request Case No.19 of 2015

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Smt. Meera Prakash, wife of Priya Ranjan Prakash, resident of Bakerganj, Gola Road, P.S. Pirbahor, District-Patna.

.... Petitioner/s

Versus

1. M/s Ramsuyash Projects and Marketing Pvt. Ltd. having its registered office at Bindeshwari Prangan, Ground Floor, Vivekanand Park, Patliputra Colony, P.S.-Patliputra, District-Patna through its Managing Director Sri Ajay Kumar Singh.
2. Sri Ajay Kumar Singh, son of Late Ramsuyash Singh, resident of Bindeshwar Prangan, Vivekanand Park, Patlipura Colony, P.S.-Patliputra, District-Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate
Mr. Rajeev Ranjan, Advocate
Mr. Apul, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 05-07-2017

This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking constitution of arbitral tribunal for resolution of the dispute between the parties.

In pursuance to an agreement entered into between the parties, vide Annexure-1, the parties agreed for making construction in accordance with law to the agreement and clause 27 of the agreement in question contemplates a dispute resolution mechanism by appointment of arbitrator on account of dispute having arisen. The petitioner invoked the provisions of Clause 27 of the agreement and vide Annexures-4 and 5, sought constitution of arbitral tribunal after the claim was raised by him vide Annexures 2 and 3. When nothing



was done, the present application was filed. The application is pending since 2015 and when the respondents did not appear, the service on the respondents was directed to be made by paper publication. The report of the office and the supplementary affidavit filed by the respondents goes to show that the publication of notice has been made in daily newspaper 'Hindustan' published from Patna on 12.03.2017 and in spite of service of notice through publication, none is appearing.

Keeping in view the aforesaid, I propose to proceed in the matter as the respondents have refused to appoint the arbitrator for resolution of the dispute.

This application is allowed and Justice Sri R. K. Datta, a retired Judge of this Court is appointed as arbitrator.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.07.2017
Transmission Date	

