

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10823 of 2014

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Amritesh Kumar Roy son of Late Bindeshwar Roy resident of village - Sokhara,
P.O. Barauni, P.S. Phulwaria, District - Begusarai

.... Petitioner

Versus

1. The Union of India through its General Manager, East Central Railway, At &
P.O. Hajipur, District - Vaishali
2. The Sr. Divisional Engineer 1, E.C. Railway, At & P.O. Sonpur, District - Saran

.... Respondents

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Appearance :

For the Petitioner : Mr. Nand Kishore Singh, Advocate
For the Respondents : Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-02-2018

The present writ petition has been filed for the following
reliefs :-

- (i) To issue writ/order/direction commanding
the respondents to give effect to the direction
contained in the arbitral award passed under
Section 31 of the Arbitration & Conciliation
Act, 1996 by an arbitrator appointed by this
Hon'ble Court, which has been put to execution
under Section 36 of the said Act after the same
attained finality under Section 35 of the said
Act in 2008 inasmuch as challenge to the
award has been rejected even by this Hon'ble



Court.

- (ii) To direct learned Adhoc Additional District Judge-2, Chapra to perform his judicial duty of deciding and disposing of the Execution Case No. 2/2008 within a period to be fixed by this Hon'ble Court as the said learned Court is not doing what is statutorily required to be done as executing court even after filing of petition intimating dismissal of appeal besides refusal of stay in 2012.
- (iii) To pass such order/direction to respondents and to the said executing court whereby the petitioner is allowed to avail the fruits of decade long litigation.

2. Learned counsel for the petitioner submits that even though the arbitral award in question has already attained finality inasmuch as challenge to the same has been rejected by this Court in terms of order dated 14.05.2014 passed in Miscellaneous Appeal No. 930 of 2010 (Annexure-2) Execution Case No. 2/2008 continues to remain pending.

3. Having regard to the nature of the prayer of the petitioner, the present writ petition is disposed of with the observation that Execution Case No. 2/2008 be disposed of by learned Adhoc



Additional District Judge-2, Chapra, if still pending, expeditiously in terms of the award passed in Request Case No. 10 of 1996.

4. The writ petition stands disposed of as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2018
Transmission Date	NA

