

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3384 of 2017
IN
Civil Writ Jurisdiction Case No. 706 of 2011

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M/s Mother India Construction Pvt. Ltd., and having its registered office at Aspura House, Road No. 3, Sanjay Gandhi Nagar, Kankarbagh, Patna, 800020 through its Manager and authorized person, Raj Kishor S/o Sri Rama Shankar Singh, R/o Pesu Staff Quarter No. 4, Mangals Road, Patna, 800015.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Government of Bihar, Patna
2. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna
3. The Chief Engineer, South Bihar (Mechanical) Sub Division, Road Construction Department, Bihar.
4. The Superintending Engineer, Central Circle, Road Construction Department, Patna
5. The Executive Engineer, Road Construction Department, Patna West Road Division, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Samir Kumar

For the Opposite Parties: Mr. Raj ballabh pd. Yadav, AAG-11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-08-2018

The present amendment application has been filed seeking amendment of order dated 06.05.2015 passed in C.W.J.C. No. 706 of 2011.

2. Learned counsel for the petitioner submits by order dated 06.05.2015 passed in C.W.J.C. No. 706 of 2011, this Court had granted one month's time to prefer a petition before the Bihar Public Works Contract Disputes Arbitration, Tribunal. The same however could not be filed within the period of one month and came to be filed on 25.06.2015 after a delay of about 20 days beyond the time granted by this Court.

3. Learned counsel for the petitioner seeks a week's time to file a supplementary affidavit explaining the reasons for delay



of 20 days in filing the petition before the Arbitration Tribunal.

4. This Court is of the view that the petitioner has not acted with due diligence in pursuing his remedy. There has been delay and laches at every stage without any explanation. The petition was filed before the Arbitration Tribunal as far back as on 25.06.2015 belatedly. The petitioner thereafter did not remove the defects on the several dates on 13.07.2015, 10.11.2015, 28.01.2016 and finally on 28.06.2016. The petitioner thereafter appears to have taken no action for another one and half years before approaching this Court on 22.11.017 with the present modification petition. Even after lapse of more than eight months thereafter the petitioner still seeking time to file a supplementary affidavit stating reasons for the delay in filing the petition before the Arbitration Tribunal.

5. This Court is not inclined to grant any indulgence to litigant who does not take interest in pursuing his remedy diligently. There is considerable delay and laches on the part of the petitioner and in the circumstances the petitioner does not deserve relief by this Court.

6. The petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.08.2018
Transmission Date	N.A.

