

IN THE HIGH COURT OF JUDICATURE AT PATNA
Request Case No.237 of 2017

Byas Pandey, son of late Ramjee Pandey, resident of Village Goithahan, P.O. Rai Kararia, P.S. Harsidhi, District-East Champaran.

... .. Petitioner/s

Versus

1. Upendra Kumar Mishra, son of Bharat Mishra, resident of Village and P.O. Chhpkahtyan, P.S. Govindganj, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vaidehi Raman Prasad Singh, Advocate
For the Respondent/s	:	Mr. Madhurendra Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

6 01-08-2018 This application has been filed for appointment of an arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 in view of the dispute that has arisen in execution of the agreement dated 01.04.1998 entered into between the parties.

Under clause 17 of the agreement in question, there is an arbitration clause and there being dispute with regard to execution of the agreement, there is no reason as to why prayer for constituting arbitral tribunal should not be rejected.

Even though, the respondents have filed a detailed reply, they only say that now in view of the resolution of the partnership firm, nothing survives for adjudication that cannot be a ground for refusing to appoint arbitrator. The aforesaid objection is required to be considered by the arbitrator while adjudicating the dispute.



Keeping in view the aforesaid, the application is allowed. Sri Vikash Kumar Sharma, a retired District Judge, is appointed as an arbitrator to adjudicate the dispute between the parties.

(Rajendra Menon, CJ)

Sunil/-

U			
---	--	--	--

