

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1425 of 2017**

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M/s Baibhaw Construction Private Limited having office at Ward No.13,
Mohalla Sareya, P.O. & P.S. Gopalganj, District Gopalganj through Managing
Director Braj Kishore Singh.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Water Resources Department,
Sinchai Bhawan, Patna.
2. The Chief Engineer, Water Resources Department, At & P.O. Siwan,
District Siwan.
3. The Superintending Engineer, Gandak Project Circle at & P.O. Siwan,
District Siwan.
4. The Executive Engineer, Gandak Project Division At & P.O. Maharajganj,
District Siwan.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nand Kishore Singh
For the Respondent/s : Mr. Vikash Kumar-Sc11

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-12-2018 Heard the learned counsel for the petitioner and the

learned counsel for the State.

Learned counsel for the petitioner submits that an
award has been made under the old Arbitration Act, 1940. The
State challenged the award under Sections 30 and 33 of the
Arbitration Act and the objections of the State was rejected on
31.08.2016 but the court due to inadvertence did not make the
award rule of the court and consequently the decree was also not
passed in view of the provisions as contained in Section 17 of
the Arbitration Act, 1940. The petitioner filed a petition under
Section 152 CPC for correction in the order dated 31.08.2016



but the same is still pending. On 03.06.2017 when the petitioner appeared before the court of Sub-Judge-I, Siwan, some regrettable incident took place.

Learned counsel for the petitioner submits that he appeared before the court but did not utter even a single word demining the prestige of the court. The learned counsel for the petitioner has been practicing in this court for more than 30 years but no such incident is reported against the counsel for the petitioner. It is further submitted that immediately thereafter the petitioner complained about the attitude of the court before the learned District Judge and on this score the learned Sub-Judge refused to pass order on the petition filed by the petitioner under Section 152 CPC. It is also submitted that the petitioner has not filed any transfer petition for transfer of the case to any other court.

Since the learned counsel for the petitioner has already expressed regret for any incident which might have hurt the sentiment of the court, in this view of the fact I thought it proper to direct the learned Sub-Judge-I, Siwan to pass order on the petition of the petitioner filed under Section 152 of the CPC without any further delay preferably within two months from the date of receipt of this order.



This civil miscellaneous petition is disposed of.

Let the record be transmitted to the court below
forthwith.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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