

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.126 of 2017

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Special Land Acquisition Officer at Gandak Project, Ratwara, P.S. Sadar,
District- Muzaffarpur.

... .. Appellant/s

Versus

Kaushal Kishore Chaudhary Son of Late Jagdish Choudhary, resident of
Village- Pindauli Shankar, P.S. Katra, District Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vikash Kumar

For the Respondent/s : Mr. Shambhu Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 26-02-2019 Heard the learned counsel for the appellant and the
respondent.

The instant appeal has been filed against order dated
17.03.2017 passed by learned District Judge, Muzaffarpur in
Misc. (Arbitration) Case No. 64/2016, whereby Misc.
(Arbitration) Case has been dismissed at the stage of admission
itself as barred by Section 34(3) of the Arbitration and
Conciliation Act, 1996.

From the order dated 17.03.2017, it appears that
aforesaid Misc. (Arbitration) Case was filed against the award
passed on 10.03.2015, which was communicated to the
appellant on 16.03.2015 but the copy of aforesaid award is not
enclosed with the appeal.

The office has pointed out the defect that this appeal



is not maintainable.

Learned counsel for appellant seeks necessary permission to convert this appeal into Memo of Misc. Appeal under Section 37 of Arbitration and Conciliation Act, 1996.

This Court is not inclined to grant such permission.

This appeal is accordingly dismissed as not maintainable.

The appellant is at liberty to take appropriate steps in accordance with law against the impugned order, if so advised.

(Sanjay Priya, J)

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