

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1611 of 2019**

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Yugal Kishore Das (Male) aged about 71 years, Son of Late Changuri Das
Resident of Tanti Bazar Road, Champanagar, P.S.- Nathnagar, Dist-
Bhagalpur.

... .. Petitioner

Versus

Ratan Kumar Kedia Son of Late Murlidhar Kedia, 15 Paggai Patti, Street,
Kolkata.

... .. Respondent

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Appearance :

For the Petitioner : Mr. Kulanand Jha, Advocate.

For the Respondent/: Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 06-01-2020

The present petition has been filed *“for setting aside the order dated 28.09.2019 passed in Money Execution Case No. 02 of 2009 by which the learned Court of the 1st Additional District Judge, Bhagalpur has directed the petitioner/judgment debtor to pay all the sums which has been awarded by the arbitrators against him within thirty days.”*

2. Learned counsel for the petitioner submits that the impugned order passed in Money Execution Case No. 02 of 2009 is unenforceable as the arbitration award itself has not been passed in accordance with the provisions of the Arbitration and conciliation Act, 1996 (hereinafter referred to as ‘the Act’).

3. Heard learned counsel for the petitioner and on consideration of the materials on record, this Court is not inclined to interfere in the matter. If the petitioner was aggrieved by the



award of arbitration, his remedy for challenging the award lay in terms of Section 34 of the said Act. It has not been shown that any such challenge was laid to the arbitration award which has attained finality. Learned counsel for the petitioner has also not shown any error of jurisdiction with reference to the impugned order directing payment pursuant to the arbitration award.

4. In the above circumstances, the petition is dismissed. Needless to say, the petitioner is always at liberty to seek remedy for redressal of his grievances against the arbitration award before any forum as may be available to him in accordance with law.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.01.2020
Transmission Date	N.A.

