

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**REQUEST CASE No.40 of 2020**

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Krishna Hospital, Rep. through Uday Shankar Kumar, Male, Aged about 43 Years, S/o Jai Mangal Prasad, at Mahua, P.S.-Mahua, Dist.-Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The National Insurance Company Ltd. 4<sup>th</sup> Floor, Sone Bhawan, B.C. Patel Marg, R- Block, Patna-800001
2. Medi Assist India TPA Pvt. Ltd. 47/1, “Shri Krishna Arcade” 1<sup>st</sup> Main Road. 9<sup>th</sup> Cross, J.P. Nagar, 3<sup>rd</sup> Phase, Sarakki Industrial Lay Out, Bangalore-560078

... .. Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr.Bipin Bihari, Advocate        |
| For the Respondent/s | : | Mr.Durgesh Kumar Singh, Advocate |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**ORAL JUDGMENT**

**Date : 10-03-2021**

This application has been moved seeking appointment of an Arbitrator invoking the powers of this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996.

There is no dispute about-(a) the existence, legality, validity and binding effect of the agreement dated 20.04.2015 entered into inter se the parties to the lis [Annexure-1]; (b) the existence of arbitration clause contained therein; (c) the existence of dispute(s) arising there from and (d) the parties noticed about the same.

Before this Court it is not disputed that an attempt



for amicable settlement of all the dispute did not fructify any result.

As such, parties jointly prayed that the dispute emanating out of the agreement, civil in nature, be referred to the Arbitrator.

At this stage, learned counsel for the parties jointly prayed that a retired Judge of the Patna High Court, namely, Hon'ble Mr. Justice Shailesh Kumar Sinha [Former Judge of this Court] be appointed as an Arbitrator to adjudicate the dispute.

No other plea raised or pressed. Ordered accordingly.

Petition stands disposed of in the following mutually agreeable terms:

(a) Dispute inter se the parties emanating out of the agreement dated 20.04.2015 (Annexure-1) executed between the petitioner and the respondents is referred to Hon'ble Mr. Justice Shailesh Kumar Sinha [Former Judge of this Court] for adjudication of the dispute.

(b) the proceedings, as parties agree, can be conducted through the mode of video conferencing;



(c) parties undertake to appear before the learned Arbitrator on 7<sup>th</sup> April, 2021 through virtual or physical mode.

(d) during the period of current Pandemic Covid-19, subject to the convenience, arbitral proceeding can commence and conclude using facility of video conferencing/other electronic mode.

(e) parties shall fully co-operate and not take any unnecessary adjournment;

(f) parties undertake to apprise the learned Arbitrator of the passing of the order;

(g) this Court is hopeful that the dispute shall be adjudicated at the earliest;

(h) learned Arbitrator shall be entitled to fee as per the prescribed schedule;

(i) learned Registrar General shall ensure that a copy of this order is made available to the learned Arbitrator;

(j) parties shall file their statement of claim before the learned Arbitrator on such date of hearing which he may fix, as per mutual convenience;

(k) no order as to costs;



The present petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

K.C.Jha/-

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| Uploading Date    | 18.03.2021 |
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