

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.43 of 2020

1. Vijay Kumar Son of Late Sheo Shankar Prasad Singh resident of East of BSIDC Colony, (Grill Gali), Opposite A.N. College, Boring Road, Police Station- Sri Krishna Puri, District- Patna (Bihar), Represented through their power of attorney holder Smt Lalita Sinha, an adult female, aged about 70 years, Wife of Sri Vijay Kumar Daughter of Ram Kishore Pd. Singh, residence of East of BSIDC Colony (Grill Gali), Opp. A.N. College, Boring Road, Police Station- Sri Krishna Puri, District- Patna- 800013 (Bihar).
2. Rahul Anand Son of Sri Vijay Kumar, resident of East of BSIDC Colony, (Grill Gali), Opposite A.N. College, Boring Road, Police Station- Sri Krishna Puri, District- Patna (Bihar), Represented through their power of attorney holder Smt Lalita Sinha, an adult female, aged about 70 years, Wife of Sri Vijay Kumar Daughter of Ram Kishore Pd. Singh, residence of East of BSIDC Colony (Grill Gali), Opp. A.N. College, Boring Road, Police Station- Sri Krishna Puri, District- Patna- 800013 (Bihar).
3. Smt. Divya Tak Wife of Sri Rahul Anand resident of East of BSIDC Colony, (Grill Gali), Opposite A.N. College, Boring Road, Police Station- Sri Krishna Puri, District- Patna (Bihar), Represented through their power of attorney holder Smt Lalita Sinha, an adult female, aged about 70 years, Wife of Sri Vijay Kumar Daughter of Ram Kishore Pd. Singh, residence of East of BSIDC Colony (Grill Gali), Opp. A.N. College, Boring Road, Police Station- Sri Krishna Puri, District- Patna- 800013 (Bihar).

... .. Petitioner/s

Versus

Smt. Rekha Choudhary W/o Mr. P.K. Choudhary 602 Kulhariya Palace,
Ashok Rajpath, P.S.- Pirbahore, District- Patna (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Saket Gupta
For the Respondent/s	:	Mr.Veena Kumari Jaiswal

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 01.03.2015 entered into between the parties to the lis [Annexure-2 series]; (b) the existence of arbitration clause contained therein; (c) the existence of dispute(s) arisen there from; and (d) the parties notices of the same.

Before this Court it is not disputed that an attempt for amicable settlement was made but dispute effectively could not be resolved.

Parties jointly pray 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 Rajendra Prasad, Retd. be appointed as an Arbitrator to adjudicate the dispute.

No other plea raised or pressed.

Ordered accordingly.

Petition stands disposed of in the following terms:

(a) Dispute inter se the parties emanating out of the agreement dated 01.03.2015 (Annexure-2 series) executed between the petitioner and the respondents is referred for arbitration to Hon'ble Mr. Justice Rajendra Prasad;

(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 5th of April, 2021 at 10.30 A.M. 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 of this Court 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)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.03.2021
Transmission Date	

