

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.45 of 2019

1. Mrs. Dharti Jha Wife of Arbind Kumar Jha and Daughter of Late Kantilal Parmar by faith- Hindu, by occupation- Housewife, by Caste- Gurjar Khashtriya, Category- General, resident of Ashiyana Mangalam Society, Kalwar Road, Machwa, Jaipur, P.O. Machwa, P.S. Kalwar, District- Jaipur-303706, Rajasthan, having her Aadhar No. 6702 93486192 and Mobile No. 8769043865
2. Mrs. Urvashi Bole Wife of Shri Devesh Bole and daughter of late Kantilal Parmar by faith- Hindu, by occupation- Housewife, by Caste- Gurjar Khashtriya, Category- General, residing near Gujrati School, Karbala Road, P.S. Bankmore (Dhanbad), P.O. and District- Dhanbad, having her Aadhar No. 2107 8619 2802 and Mobile No. 9472784887, 9708616465
3. Mrs. Jasmin Jethwa Wife of Shri Kamlesh Jethwa and daughter of Late Kantilal Parmar by faith- Hindu, by occupation- Housewife, by Caste- Gurjar Khashtriya, Category- General, residing at Saroj Apartment, 2nd Floor, Shastri Nagar, P.S. Bankmpore (Dhanbad), P.O. and District- Dhanbad, having her Aadhar No. 3645 4362 3240 and Mobile No. 7004739540

... .. Petitioner/s

Versus

1. M/s. Karamandana A partnership firm having its office at Vasant Talkies, Opposite Mangal Bazar, P.O., P.S. and District- Katihar represented by its present Managing partners namely Vinay Dayalal, Son of Late Dayalal Parmar and Rajesh Parmar, Son of Late Prabhulal Parmar, resident of Parmar Bhawan, Amlatola, P.O. Katihar, P.S. Mangal Bazar, District- Katihar.
2. Vinay Dayalal Parmar Son of Late Dayalal Parmar resident of Parmar Bhawan, Amlatola, P.O. Katihar, P.S. Mangal Bazar, District- Katihar.
3. Rajesh Parmar Son of Late Prabhulal Devram Parmar resident of Parmar Bhawan, Amlatola, P.O. Katihar, P.S. Mangal Bazar, District- Katihar.
4. Kusum Ben Parmar Wife of Late Prabhulal Devram Parmar resident of Parmar Bhawan, Amlatola, P.O. Katihar, P.S. Mangal Bazar, District- Katihar.
5. Hansa Ben Parmar Wife of Late Dayalal Parmar resident of Parmar Bhawan, Amlatola, P.O. Katihar, P.S. Mangal Bazar, District- Katihar.
6. Vishal Parmar Son of Late Prabhulal Devram Parmar resident of Parmar Bhawan, Amlatola, P.O. Katihar, P.S. Mangal Bazar, District- Katihar.
7. Ramnik Lal Parmar Son of Late Raghudana Parmar resident of Binodpur Road, P.O. Katihar, P.S. Mangal Bazar, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Swapan Mukherjee, Advocate



For the Respondent/s : Mr.Shashi Ranjan, Advocate
Mr.Ashhar Mustafa, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT
Date : 17-03-2021

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 20th October, 2015 entered into inter se the parties to the lis [Annexure-3]; (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 Dinesh Kumar Singh [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 20th October, 2015 (Annexure-3) executed between the petitioner and the respondents is referred to Hon'ble Mr. Justice Dinesh Kumar Singh [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 19th 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/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.03.2021
Transmission Date	

