

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.24 of 2022

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M/S Sarvottam through its proprietor Kailash Prasad Agarwal, aged 67 years, Male, S/o Late Mahavir Prasad, Shop No. 22 and 23, Chanakya Shopping Centre, R - Block, PS Kotwali, District/Town- Patna - 800001.

... .. Petitioner/s

Versus

1. The Oriental Insurance Company Ltd through its Chairman cum Managing Director, Head Office, Oriental House, A- 25/27, Asaf Ali Road, New Delhi 110002.
2. Chief Regional Manager, the Oriental Insurance Company Ltd. Regional Office at Pirmuhani, P.O. and P.S. Kadamkuan, District/Town- Patna - 800003.
3. Branch Manager, the Oriental Insurance Company Ltd. CBO III, Fraser Road, Patna 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Prasad Singh, Advocate
For the Respondent/s	:	Mr. Sanjay Singh, Advocate
		Mr. Bimlesh Kumar Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT
Date : 20-04-2022

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.

Today, there is no dispute about-(a) the legality, validity and binding effect of a Insurance Policy dated 13.04.2020 entered into between the parties to the *lis*; (b) the existence of arbitration clause contained therein; (c) the existence of dispute(s) arising there from; (d) the dispute arisen out of the agreement being civil in nature and (e) no legal



impediment in the adjudication of the dispute by the learned Arbitrator.

Parties agree for appointment of an Arbitrator. In fact, the name of arbitrator proposed by the petitioner is not acceptable by the respondent Company.

As such, as jointly prayed for, Hon'ble Mr. Justice Aditya Kumar Trivedi, Former Judge of this Court is appointed as learned Arbitrator to adjudicate all disputes arising out of Insurance Policy dated 13.04.2020 entered into between the parties to the lis.

All pleas and issues raised, on merits, are left open to be considered and decided by the learned Arbitrator.

Learned Arbitrator shall be entitled to fee as per the schedule.

Since the dispute arises out of an Insurance Policy of the year 2020, the hearing be expedited.

Parties undertake to fully cooperate and not take any unnecessary adjournment.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.



It is expected of the learned Arbitrator to decide the issues expeditiously.

Registrar (List) is directed to communicate the order to the learned Arbitrator.

Learned counsel for the parties also undertake to communicate the order to the learned Arbitrator. In fact, they volunteered to appear before him, through digital/physical mode on 30.05.2022 and apprise him of the passing of the order.

Parties shall file their statement of claims before the learned Arbitrator on such date of hearing which he may fix, as per mutual convenience.

The Request Petition stands disposed of in the above terms.

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

(Sanjay Karol, CJ)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	09.05.2022
Transmission Date	

