

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBA No.29 of 2005
(Through hybrid mode)

Biswajeet Pattnaik

....

Appellant

Mr. S.S. Das, Senior Advocate

-versus-

Dr. P. Tejeswar Rao

....

Respondent

None

CORAM: JUSTICE ARINDAM SINHA

ORDER
19.07.2022

Order No.

8.

1. Mr. Das, learned senior advocate appears on behalf of appellant and submits, the appeal was preferred against refusal to grant interim measure under section 9 in Arbitration and Conciliation Act, 1996. On appeal, by order dated 7th July, 2005 conditions were imposed but his client did not comply. Furthermore, on the dispute being referred to arbitration, in application made under section 8 in the suit, the reference did not happen. He adds, all that his client has come to know is, respondent is no more.

2. Interim measure continued in appeal is dated 7th July, 2005 on condition imposed and compliance directed by 15th July, 2005. Said order provided, in event the condition is not

complied with, interim order dated 27th May, 2005 passed in the misc. case automatically stands vacated. Considering, thereafter parties did not resort to adjudication in reference and respondent having passed away, there is no reason to keep the appeal pending.

3. The appeal is dismissed.

(Arindam Sinha)
Judge

Sks

