

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.813 of 2018

The Executive Engineer Civil, Prasar Bharti Broadcasting Corporation of India, Civil Construction Wing, All India Radio, Patna

... .. Petitioner/s

Versus

M/s B. Prasad and Co. Govt. Registered Contractor, Anishabad, Harnichak P& T Colony, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Tuhin Shankar, Advocate Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr. J.S. Arora, Sr. Advocate Mr. Manoj Kumar, Advocate Mr. Kushagra Kush, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

19 22-09-2023 The case has been taken up on mentioning by Ld. counsel for the parties.

2. It is brought to the notice of this Court that Civil Miscellaneous Jurisdiction No. 813 of 2018 and Civil Miscellaneous Jurisdiction No. 406 of 2021 were heard together and separate orders were passed in both the cases. However, inadvertently, the order passed in Civil Miscellaneous Jurisdiction No. 813 of 2018 has been typed in Civil Miscellaneous Jurisdiction No. 406 of 2021. Similarly, the order passed in Civil Miscellaneous Jurisdiction No. 406 of 2021 has been typed in Civil Miscellaneous Jurisdiction No. 813 of 2018. Hence, the order dated 08.09.2023 is corrected accordingly. The corrected order passed on 08.09.2023 is as follows:-



“The present Miscellaneous Case has been preferred under Article 227 of the Constitution of India by the petitioner against the impugned order dated 08.03.2018, passed in Misc. Case No. 78 of 2017, by Ld. Additional District Judge-X, Patna, whereby application of the petitioner for staying the execution of the award dated 10.05.2014, passed by the sole Arbitrator I.C. Vaswani in Execution Case No. 62 of 2016 has been dismissed.

2. However, it is informed by both the parties that Miscellaneous Case No. 78 of 2017 has been dismissed for default and the same has not been restored till date. In view of non-existence of Miscellaneous Case No. 78 of 2017, both the parties agree that at present Civil Miscellaneous Jurisdiction No. 406 of 2021 has become infructuous.

3. Hence, the present Civil Miscellaneous Jurisdiction No. 813 of 2018 is dismissed as infructuous. However, the petitioner is at liberty to file fresh stay petition in Miscellaneous Case No. 78 of 2017 if it is restored.”

(Jitendra Kumar, J)

Amrendra/-

U			
---	--	--	--

