

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.20 of 2024

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HAV Motors Pvt. Ltd. through its Director Devendra Prasad Narayan Singh,
aged about 70 Years, Male, Registered Office at Patliputra Industrial Area,
Near P & M Mall, District / Town- Patna- 800013

... .. Petitioner/s

Versus

1. National Insurance Company Ltd. through its Chief Regional Manager
Regional Office at Sone Bhawan, 4th Floor, Birchand Patel Marg, Patna-
800001.
2. National Insurance Company Ltd. Branch Office No.2, Arunachal Bhawan,
Exhibition Road, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Prasad Singh, Advocate
For the Respondent/s : Mr.Mritunjay Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 02-08-2024

Heard learned counsel for the parties.

2. 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.

3. Petitioner and the respondents entered into an
agreement, vide Insurance Policy (Annexure-P-1), Clause 13
whereof contains an arbitration clause. However, some dispute
arose between the parties and the petitioner sent a notice dated
07.01.2023 for appointment of an Arbitrator, but to no avail.

4. It is pleaded that the respondents have not settled



the dispute till date and the dispute is of civil in nature.

5. Contention of the learned Counsel for the respondents is that there is full and final settlement.

6. Today, there is no dispute about-(a) the legality, validity and binding effect of the written agreement entered into between the parties to the *lis*; (b) the existence of dispute(s) arising there from; (c) the dispute arising out of the agreement being civil in nature; (d) no legal impediment in the adjudication of the dispute by the learned Arbitrator; (e) the respondents having failed to settle the dispute.

7. In such circumstances, as agreed by the parties, Hon'ble Mr. Justice Shailesh Kumar Sinha, a former Judge of the Patna High Court, is appointed as learned Arbitrator to adjudicate all disputes arising out of the agreement entered into between the parties to the *lis*.

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

9. The learned Arbitrator shall be entitled to fee as per the schedule of the Act.

10. Since the dispute arises out of an agreement of the year 2018, the hearing be expedited.

11. The issue of limitation, if any, is left open to be



raised before the Arbitral Tribunal.

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

13. Learned Counsel for the parties also undertake to communicate the order to the learned Arbitrator.

14. The Arbitral Tribunal shall issue notice to the respondents.

15. The Request Petition stands disposed of in the above terms.

(K. Vinod Chandran, CJ)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	05.08.2024
Transmission Date	

