
(2000) 10 PAT CK 0007
In the Patna High Court
Case No : C.R. No. 2056 of 1999

Thakur Prasad Singh

APPELLANT

Vs

The State of Bihar and Another

RESPONDENT

Date of Decision : 30-10-2000

Acts Referred:

Arbitration and Conciliation Act, 1996 — Section 14, 15

Citation : (2000) 4 PLJR 843

Hon'ble Judges : Gurusharan Sharma, J

Bench : Single Bench

Advocate : Nand Kishore Singh, for the Appellant; A.P. Jittu, for the Respondent

Final Decision : Dismissed

Judgement

Gurusharan Sharma, J.—Heard the parties. This revision application is disused against order dated 21.9.1999, passed by District Judge, Gopalganj, in Misc. Case No. 58 of 1999. In respect of an agreement between the parties, certain dispute arose, reference whereof was made to the opposite party no. 2 herein, who was named arbitrator in the agreement, who did not enter upon the reference within the stipulated period Having failed to persuade the said arbitrator, petitioner resorted to the provisions of Section 14 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "the Act") and filed an application before the District Judge, Gopalganj. By impugned order learned District Judge was pleased to return the said application as it was not maintainable before him and directed to frame the suit properly and filed the same in the court of competent jurisdiction. Aggrieved by the said order, petitioner has filed the present revision application. In similar circumstance, petitioner had filed two more applications under Sections 14 and 15 of the Act which was registered as Misc. Case Nos. 30 and 40 of 1999 before the District Judge, Gopalganj. By order dated 30.8.1999 those cases were disposed of. Those two applications were also returned with a direction to frame the suit properly and to the before the court having competent jurisdiction.

2. Petitioner preferred C.R. Nos. 2446 and 2448 of 1999 in this Court which were heard together and were the posed of by a common order dated 18.7.2000. Impugned order dated 30.8.1999 was confirmed by this Court holding that court having jurisdiction the matter was that of the Subordinate Judge, being the principal Civil Court of original jurisdiction in the District. this Court came to the aforesaid conclusion after a long discussion taking into the consideration the provisions of the Act provisions of General Clauses Act, 1897 and provisions of Bengal, Agra and Assam Civil Courts Act as also several citations relied upon by the parties. Petitioner thereafter preferred Civil Review Nos. 204 and 205 of 2000 to review the aforesaid order dated 18.7.2000, passed in C.R. Nos. 2486 and 2488 of 1999, which were rejected on 11.9.2000. I find no reason to differ with the aforesaid order dated 18.7.2000 [reported in Md. Sadique (in 2448), Md. Amin (in 2446) Vs. State of Bihar,] passed by this Court in similar matter. This revision application is fully covered by the said decision. It is, accordingly, dismissed.