



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

REGULAR FIRST APPEAL NO.237 OF 2025 (INJ)

BETWEEN:

LIVIN HUB HOSPITALITY
REPRESENTED BY ITS
PROPRIETOR
SMT.ANUSHA B
R/AT NO.109, BLOCK-I
OM SRI RESIDENCY
UTTARAHALLI MAIN ROAD
OPP: UNION BANK
BENGALURU SOUTH
BENGALURU-560061

...APPELLANT

(BY SRI. G.S.VENKATA SUBBA RAO, ADVOCATE)

AND:

1. M/S.ISIRI HOSPITALITY
PRIVATE LIMITED
REPRESENTED BY ITS
MANAGING DIRECTOR
2. MR.SRINIVASA B.R
S/O SRI.RAMAIHA SHETTY
AGED ABOUT 37 YEARS
3. MR.SUDARSHAN H.T
S/O SRI.THAMMANNA GOWDA
AGED ABOUT 41 YEARS

Digitally signed
by CHANDANA
B M
Location: High
Court of
Karnataka



4. MR.PRABHAKAR SHETTY
S/O SRI.NARASIMHA SHETTY
AGED ABOUT 49 YEARS
5. MR.RAVIKUMAR SHETTY
S/O SRI.NARASIMHA SHETTY
AGED ABOUT 49 YEARS

OFFICE ADDRESS AT:
RESPONDENT NOS.2 TO 5
DODDANEKUNDI
BENGALURU-560037.

...RESPONDENTS

(BY SRI. PRABHAKARA K V, ADVOCATE FOR R1 TO R5)

THIS RFA IS FILED UNDER SECTION 96 OF CPC, AGAINST THE ORDER DATED 06.12.2024 PASSED ON I.A.NO.III IN OS.NO.8505/2023 ON THE FILE OF THE XXXIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY, ALLOWING THE I.A.NO.III FILED UNDER SECTION 8 OF ARBITRATION AND CONCILIATION ACT AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL JUDGMENT

This appeal by the appellant - plaintiff in O.S.No.8505/2023 is directed against the impugned judgment and decree dated 06.12.2024 passed by the XXXIX Addl.City Civil and Sessions Judge, Bangalore, whereby the application - I.A.No.3 filed by the respondents under Section 8 of the Arbitration and Conciliation Act,1996 (for short 'the said Act, 1996) was allowed by the trial



Court and dismissed the suit granting relief to the appellant -plaintiff to approach the competent forum.

2. Heard learned counsel for the appellant - plaintiff and learned counsel for the respondents - defendants and perused the materials on record including the impugned judgment and decree.

3. A perusal of the impugned judgment and decree will indicate that the trial Court came to the conclusion that there existed a valid and binding Arbitration Agreement between the appellant and the respondents in the registered Lease Agreement dated 13.12.2019 and that in the light of the said valid and binding arbitration agreement, the suit of the appellant - plaintiff was not maintainable and was liable to be dismissed, in view of the valid and binding Arbitration Agreement and the appellant - plaintiff would necessarily have to approach the competent forum for adjudication of the disputes by seeking reference of the same before the Arbitral Tribunal.

4. Learned counsel for the appellant - plaintiff and learned counsel for the respondents - defendants jointly submit that in view of the impugned judgment and decree, by which the trial Court has



held that there is a valid and binding Arbitration Agreement between the parties, the dispute between the appellant - plaintiff and respondents - defendants will be referred to an Arbitral Tribunal comprising of a sole Arbitrator by leaving open all contentions to be adjudicated by the Arbitral Tribunal.

5. Clause-19 of the aforesaid registered Lease Agreement dated 13.12.209, which is an Arbitration clause reads as under:-

“CLAUSE No.19:- DISPUTE RESOLUTION:-

“...Any disputes claims and difference arising out or in connection with this agreement shall be referred to a sole arbitrator to arbitrate and consulate in accordance with the provision of arbitration and conciliation act 1996...”

6. In view of the aforesaid facts and circumstances and the joint submissions made by both sides, I deem it just and appropriate to allow this petition by referring the dispute between the parties to arbitration with the consent of both sides by appointing Shri.S.R.Somasekhara, Retired District Judge, to act as the sole Arbitrator to resolve the dispute between the parties under the provisions of the Arbitration and Conciliation Act, 1996, as per



the Rules governing the Arbitration and Conciliation Centre (Domestic & International) at Bengaluru.

7. In the result, I pass the following:

ORDER

(i) Appeal is hereby disposed of.

(ii) The impugned Judgment and Decree dated 06.12.2024 passed in O.S.No.8505/2023 by the Trial court is hereby modified.

(iii) Shri.S.R.Somasekhara, Retired District Judge, is hereby appointed as the sole Arbitrator to resolve the dispute between the parties as per the Rules governing the Arbitration and Conciliation Centre (Domestic & International) at Bengaluru.

(iv) The appellant - plaintiff and respondents - defendants shall appear before the Arbitration and Conciliation Centre (Domestic & International) at Bengaluru on **12.01.2026**.

(v) All rival claims, contentions, etc., of both parties including contentions relating to maintainability, arbitrability, jurisdiction, limitation, stamp duty, etc., are left / kept open to be decided by the Arbitral Tribunal and no opinion is expressed on the merits/demerits of the rival contentions.



(vi) Liberty is reserved in favour of both sides to file appropriate applications before the Arbitration Tribunal including the application filed under Section 17 of the Arbitration and Conciliation Act, 1996.

(vii) It is further directed that till the Arbitral Tribunal passes appropriate orders on the said application under Section 17 of the Arbitration and Conciliation Act, 1996 to be filed by the parties before the Arbitral Tribunal, the impugned order dated 05.03.2025 passed by this Court directing the parties to maintain *status-quo* in all respects as on today in relation to the suit schedule property shall continue to remain in force and operate between the parties.

(viii) A copy of this order be sent forthwith to the Arbitration and Conciliation Centre (Domestic & International), Khanija Bhavan, Bengaluru, for proceeding further and also to Shri.S.R.Somasekhara, Retired District Judge, to the address available with the said Centre.

(ix) Registry is directed to return all original documents produced by any of the parties after obtaining Photostat copies of the same.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

NBM/SRL