



CNR: KAHC010029732026

NC: 2026:KHC:44793
CMP No. 18 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

CIVIL MISC. PETITION NO. 18 OF 2026

BETWEEN:

MR YOGESH NAYAK
S/O MR. CHANDRAKANTH NAYAK
AGED ABOUT 45 YEARS
RESIDING AT DOOR NO. 4-57,
KALLA THADAME HOUSE,
FARANGIPETE POST, PUDU,
BANTWAL, D.K. 574143.

PARTNER OF
M/S KOCHIKAR VITTALDAS PAI
AND SONS, A PARTNERSHIP FIRM,
HAVING ITS PLACE OF
BUSINESS SITUATED AT
'NEW CHITHRA TALKIES' BUILDING,
BASAVANAGUDI, DONGERKERI,
MANGALORE 575003

...PETITIONER

(BY SRI. RAGHAVENDRA SHENOY M., ADVOCATE)

AND:

MRS SHIVANI S PAI
W/O LATE K. SHANKAR PAI
AGED ABOUT 55 YEARS
RESIDING AT 403,
AMBER APARTMENT,
NEAR UEWA MARKET

Digitally
signed by
VANAMALA
N
Location:
HIGH
COURT OF
KARNATAKA



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ASHOK NAGAR POST,
MANGALORE 575006

...RESPONDENT

(BY SRI. G. RAVISHANKAR SHASTRY., ADVOCATE)

THIS CMP IS FILED UNDER SEC.11(5) OF THE ARBITRATION AND CONCILIATION ACT, 1996., PRAYING TO APPOINT A SOLE ARBITRATOR TO DECIDE AND ADJUDICATE UPON THE DISPUTE BETWEEN THE PETITIONER AND THE RESPONDENT AS PER THE ARBITRATION AGREEMENT IN CLAUSE NO.20 OF THE DEED OF ADMISSION CUM RETIREMENT DATED 12.08.2023 WHICH IS AT ANNEXURE A.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

This petition is for the appointment of a sole arbitrator, and the dispute relates to whether the petitioner could indeed assert that he is a partner of the firm *M/s Kochikar Vittaldas Pai and Sons* along with the respondent. The petition has been referred to mediation but without a positive outcome. Sri G. Ravishankar Shastry, the learned counsel for the



respondent, submits that there is a serious dispute about the petitioner being a partner of the firm with the respondent asserting that he was only an employee. However, the essentials *viz.*, the existence of an arbitration agreement and arbitrable dispute are not in question.

When queried in these regards, the learned counsels submit that the arbitration will have to be in Mangaluru because the firm's assets are in Mangaluru and that Sri Moosa Kunhi Nayarmoole, a retired District Judge and Vice Chairman, Karnataka State Administrative Tribunal be appointed as the sole Arbitrator to enter reference of the dispute and conduct arbitral proceedings in Mangaluru but subject to the procedure and the fee in terms of the Arbitration and Conciliation Centre [Domestic and International], Bengaluru. In the light of the afore, the following,



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ORDER

[A] The petition is allowed, and Sri Moosa Kunhi Nayarmoole, a retired District Judge, is appointed as the sole arbitrator to enter reference of the dispute between the petitioner and respondent and conduct the proceeding at Mangaluru according to the Rules governing the Arbitration and Conciliation Centre [Domestic and International], Bengaluru and with liberty to choose the venue for arbitration at Mangaluru with both the petitioner and the respondent bearing equal costs of such venue.

[B] The Registry is directed to communicate this order to Sri Moosa Kunhi Nayarmoole, Nayarmoole Post, Manila village, Bantwal Taluk, Vittal,



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Dakshina Kannada - 574 243 [*Email:*
moosaknm@gmail.com] as required
under the Appointment of Arbitrators
by the Chief Justice of Karnataka
High Court Scheme, 1996.

Sd/-
(B M SHYAM PRASAD)
JUDGE

NV
List No.: 3 Sl No.: 7