HC-KAR

NC: 2026:KHC:52734
WP No. 4253 of 2022

CNR: KAHC010086942022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 4253 OF 2022 (GM-CPC)

BETWEEN:

1. THE EXECUTIVE ENGINEER
KARNATAKA HOUSING BOARD
DAKSHINA KANNADA
MANGALORE DIVISION
NOW IN KHB HASSAN DIVISION
HASSAN-573201.

...PETITIONER

(BY SRI. BASAVARAJ V. SABARAD
SRI. H L PRADEEP KUMAR.,ADVOCATE)

AND:

1. M/S ANCHOR LINES (P) LTD
CIVIL ENGINEERS AND CONTRACTORS
KERALA SAMAJAM COMPLEX
K S RAO ROAD, MANGALORE -575001
REPT BY MANAGING PARTNER

2. SRI M V S RAO
SOLE ARBITRATOR
NO.282 ARAKERE GATE, LAKSHMI LAYOUT
7TH CROSS 2ND MAIN ROAD
BANNERGHATTA ROAD
BANGALORE-560076.

...RESPONDENTS

(BY SRI. AJAY PRABHU .M, ADVOCATE FOR R1)

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SACHIN SHANKAR MAGADUM
Verified

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH/SET ASIDE THE ORDER DATED 21.01.2022 PASSED IN COM.A.S.NO.9/2017 BY THE LXXXVIII ADDL. CITY CIVIL AND SESSIONS JUDGE, (EXCLUSIVE COMMERCIAL COURT), BENGALURU CITY (CCH-89) PRODUCED AT ANNEXURE-F.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Learned counsel appearing for the parties, on instructions, fairly submit that the present writ petition may be disposed of in terms of the order passed by this Court in a batch of petitions, the lead petition being W.P.No.4382/2022. In view of the aforesaid submission and since the controversy involved in the present petition is covered by the said order, it would be appropriate to extract paragraphs 4 to 11 thereof, which read as under:

> *"4. It is submitted across the Bar that the arbitrator-defendant No.2 passed away on*

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30.01.2026. However, the Commercial Court accepting the affidavit filed by arbitrator-defendant No.2 and also in view of the fact that the records would be available with the petitioners herein, had directed the parties to file the available records and to proceed the matter.

5. That during the hearing of these petitions, upon the suggestion made, the parties have exchanged the records which according to them form part of the proceedings of the arbitration. However, they also submit that some of the records are not available.

6. Learned Senior counsel appearing for the parties on instructions submit that liberty may also be reserved to the parties to produce further documents as and when available with the direction to the Commercial Court to take on record and the same would serve the purpose.

7. In view of the above facts and circumstances and in the light of the fact that the parties have now exchanged the records, they shall submit the same before the Commercial Court, who shall proceed with the matter in accordance with law.

8. It is made clear should the parties come across further documents which form part of the

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arbitral proceedings, with the consent, the same shall be taken on record and opportunity in this regard shall also be provided.

9. It is submitted that the next hearing date of the proceedings is scheduled on 04.04.2026, the Commercial Court shall permit the parties to submit the records and thereafter take up the matter for final disposal and dispose of the matter in accordance to law.

10. In view of the peculiar facts and circumstances of the matter the interim order staying enforcement of the award which was earlier granted shall stand extended until disposal of the arbitral proceedings.

11. With the above observation, writ petitions are disposed of."

2. The controversy involved in the present petition is identical and analogous to the controversy considered in the aforesaid batch of petitions. The order passed by the Coordinate Bench, therefore, squarely covers the issue involved herein. Consequently, in terms of the aforesaid order and for the reasons assigned therein, the interim

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order staying enforcement of the award, which was earlier granted, shall stand extended until disposal of the arbitral proceedings.

3. With the above observations, the writ petition stands ***disposed of***.

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(SACHIN SHANKAR MAGADUM)
JUDGE

ALB
List No.: 2 Sl No.: 14