



CNR: KAHC010487472026

NC: 2026:KHC:43842
RP No. 393 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

REVIEW PETITION NO.393 OF 2026

BETWEEN:

1. M/S. HARIPRASAD
A REGISTERED PARTNERSHIP FIRM,
HAVING ITS OFFICE AT NEAR
SHASTRIPARK, NH 66 SERVICE ROAD,
KUNDAPURA MARKET,
UDUPI DISTRICT - 576 201.
REPRESENTED BY IT MANAGING PARTNER
MR. B. ARUNKUMAR SHETTY.

2. MR. B. ARUNKUMAR SHETTY
S/O SRI. V.K. SHETTY
AGED ABOUT 83 YEARS,
MANAGING PARTNER,
M/S. HARIPARASAD
RESIDING AT SANGAM,
FORT GATE, KUNDAPURA,
UDUPI-576201
ALSO AT
C/O HOTEL HARIPRASAD,
SHASTRI CIRCLE, NH 66,
KUNDAPURA - 576 201.

...PETITIONERS

(BY SRI. SANDESH J. CHOUTA, SENIOR COUNSEL FOR
SRI. SAMPREETH V., ADVOCATE)

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Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:43842
RP No. 393 of 2026

CNR: KAHC010487472026

AND:

1. SMT. CHANDRALEKHA ANAND SHETTY
W/O DR. A. V. SHETTY,
AGED ABOUT 81 YEARS,
NOW PRESENTLY
RESIDING AT 3-30-2481,
PACIFIC, KADRI KAMBLA ROAD,
BEJAI, MANGALURU-575004.

2. MRS. VASANTHAMALA RAJMOHAN SHETTY,
W/O DR. K.R. SHETTY,
AGED ABOUT 79 YEARS,
REPRESENTED BY HER
POWER OF ATTORNEY HOLDER
RESPONDENT NO. 1 HEREIN.
SMT. CHANDRALEKHA ANAND SHETTY
NOW PRESENTLY
RESIDING AT 3-30-2481,
PACIFIC, KADRI KAMBLA ROAD,
BEJAL, MANGALURU - 575004.

3. MRS. AMRITHKALA SHETTY,
W/O LATE DR. SUDHAKAR SHETTY,
AGED ABOUT 76 YEARS
REPRESENTED BY HER
POWER OF ATTORNEY HOLDER
DR. (MR.) ROHAN SHETTY,
S/O DR. K. BHASKAR SHETTY
AGED ABOUT 55 YEARS
RESIDING AT ASHIRVAD,
KODIALGUTHU EAST, BEJAI,
MANGALURU-575004.

...RESPONDENTS

(BY SRI. ANANDARAMA K., ADVOCATE)



CNR: KAHC010487472026

THIS REVIEW PETITION FILED UNDER SECTION ORDER XLVII RULE 1 R/W SEC.114 CPC 1908, PRAYING TO ALLOW THE REVIEW PETITION FILED BY THE PETITIONER; REVIEW THE ORDER PASSED BY THIS HON'BLE COURT DATED 27.04.2026 IN CMP NO.48/2026 PRODUCED IN ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

This Review Petition is filed seeking review of the order dated 27.04.2026 passed in CMP No.48 of 2026 at Annexure-A.

2. Heard Sri Sandesh J. Chouta, learned Senior Counsel appearing on behalf of Sri Sampreeth V., learned counsel for the petitioners, and Sri Anandarama K., learned counsel for the respondents.

3. Learned Senior Counsel appearing for the petitioners submitted that there is an arbitration proceeding between the very same parties pursuant to



CNR: KAHC010487472026

NC: 2026:KHC:43842
RP No. 393 of 2026

the order passed by this Court in CMP No.575 of 2025, whereby this Court appointed Hon'ble Justice Sri. Ram Mohan Reddy, Former Judge of this Court as the learned Arbitrator. The said proceedings are pending consideration in AC No.877 of 2025 and are presently at the stage where draft issues have been filed before the learned Arbitrator.

4. Learned Senior Counsel further contended that the lis in AC No.877 of 2025 and the dispute arising out of the order dated 27.04.2026 passed in CMP No.48 of 2026 relate to dissolution of partnership and rendition of accounts. Therefore, it would be convenient for the parties if the learned Arbitrator appointed by this Court in CMP No.575 of 2025 is also entrusted with resolving the dispute arising out of CMP No.48 of 2026, as the same would serve the interest of the parties and avoid multiplicity of proceedings.



CNR: KAHC010487472026

5. In this regard, learned Senior Counsel placed reliance on the judgment of the High Court of Delhi in the case of ***Gammon India Ltd. and Another vs. National Highways Authority of India*** reported in ***AIR 2020 Delhi 132***, and referred to paragraph 30 thereof. He further contended that, in the facts and circumstances of the case, the appointment of the Arbitrator made under the impugned order dated 27.04.2026 in CMP No.48 of 2026 requires to be modified.

6. Per contra, Sri Anandarama K, learned counsel appearing for the respondents, referred to the age of the parties and submitted that the lis between the parties in CMP No.48 of 2026 is different from the dispute in CMP No.575 of 2025. Apart from this, he submitted that the parties hail from Kundapura and, therefore, it would be convenient for them to appear



CNR: KAHC010487472026

before the learned Arbitrator appointed pursuant to the order dated 27.04.2026 passed in CMP No.48 of 2026.

7. Learned counsel for the respondents further contended that there is no impediment for the petitioners to appear before the learned Arbitrator, particularly, when the respondents herein have already deposited the arbitration fees with the learned Arbitrator at Mangaluru. Accordingly, he sought dismissal of the Review Petition.

8. In the light of the submissions made by the learned counsel appearing for the parties, it is not in dispute that this Court, vide order dated 14.11.2025 passed in CMP No.575 of 2025, appointed Hon'ble Justice Ram Mohan Reddy (Retired) to arbitrate the dispute between the parties and that the said



CNR: KAHC010487472026

NC: 2026:KHC:43842
RP No. 393 of 2026

proceedings are pending consideration before the learned Arbitrator.

9. It is also not in dispute that the lis between the parties in CMP No.575 of 2025 is different from the dispute involved in CMP No.48 of 2026, as contended by the respective parties.

10. This Court, in CMP No.48 of 2026, appointed Sri Shankar Nagappa Naik, retired District Judge, to resolve the dispute between the parties. I have carefully considered the notice issued under Section 21 of the Arbitration and Conciliation Act, 1996, wherein the petitioner herein has sought appointment of an Arbitrator who is a resident of Mangaluru.

11. It is also pertinent to mention that the petitioner No.2 is aged about 83 years and respondent



CNR: KAHC010487472026

Nos.1, 2 and 3 are aged about 81, 79 and 76 years, respectively.

12. Taking into consideration the factual aspects on record, particularly the age of the parties and the fact that Mangaluru is the nearest place for both the petitioners and the respondents, it would be convenient for the parties to participate in the arbitral proceedings at Mangaluru.

13. However, the dispute between the parties in CMP No.48 of 2026 arises out of different partnership deeds and is distinct from the dispute pending before the learned Arbitrator in the proceedings arising out of CMP No.575 of 2025. Therefore, I am of the opinion that there is no error apparent on the face of the record warranting interference with the order dated 27.04.2026.



CNR: KAHC010487472026

NC: 2026:KHC:43842
RP No. 393 of 2026

14. The judgment relied upon by the learned Senior Counsel appearing for the petitioners in the case of ***Gammon India Ltd*** (supra), cannot be made applicable to the facts and circumstances of the present case, particularly having regard to the fact that the disputes involved in the two proceedings are distinct and that the parties hail from Kundapura, which is nearer to Mangaluru.

Accordingly, the Review Petition stands ***dismissed.***

SD/-
(E.S.INDIRESH)
JUDGE

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List No.: 1 Sl No.: 9