



CNR: KAHC010528862026

NC: 2026:KHC:55536
CMP No. 430 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

CIVIL MISC. PETITION NO. 430 OF 2026

BETWEEN:

SRI VENKATE GOWDA
S/O DEVE GOWDA
AGED ABOUT 42 YEARS
R/AT NO. 3, NEAR GOVERNMENT SCHOOL
THANISANDRA MAIN ROAD
BENGALURU- 560 077.

...PETITIONER

(BY SRI. H A MANJUNATHA., ADVOCATE)

AND:

SRI A R RAGHAVAN
S/O LATE A.K.RANGASWAMI IYENGAR
AGED ABOUT 81 YEARS
R/AT NO. 72, 4TH CROSS
NEAR CHAMUNDESHWARI TEMPLE
BHAGYASHREE LAYOUT, RACHENAHALLI
BENGALURU- 560 077.

...RESPONDENT

(RESPONDENT SERVED)

THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO APPOINT SHRI.B. A. MUCHANDI, RETIRED DISTRICT JUDGE OR ANY OTHER RETIRED DISTRICT JUDGE AS A SOLE, INDEPENDENT AND IMPARTIAL ARBITRATOR TO ADJUDICATE THE DISPUTES AND CLAIMS ARISING OUT OF THE REGISTERED AGREEMENT OF SALE DATED: 19.12.2025 BETWEEN THE PETITIONER AND RESPONDENT WHICH IS PRODUCED AS PER ANNEXURE - A AND AS PER ARBITRATION

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA





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CLAUSE MENTIONED AT PAGE NO.30 OF THE ANNEXURE – A
AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. This petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short, "the Act"), seeking appointment of a sole Arbitrator for adjudication of the disputes that have arisen between the parties under arbitration clause contained in the Agreement of Sale dated 19.12.2025 produced at Annexure-A.

2. The brief facts of the case are that respondent is the absolute owner of (1) Site and building thereon bearing Corporation/ Site No. 71, EPID No. 4876444881, measuring East to West: (50+53)/2 Feet 51.5 Feet, North to South: 36+23/2 Feet totally measuring 1519 Sq. Feet comprising a residential unit measuring around 500 Sq. Feet and (2) Site and building thereon bearing



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Corporation/Site No.72, EPID No. 3389477220, measuring East to West: $(50+61)/2$ Feet=57 Feet, North to South: 30 Feet totally measuring 1710 Sq. Feet comprising a residential unit measuring around 1085 Sq. Feet. The respondent entered into an Agreement of Sale dated 19.12.2025 (Annexure-A) with the petitioner for a total sale consideration of Rs.2,50,00,000/-. The petitioner has paid an advance amount of Rs.40,00,000/- to the respondent. The case of the petitioner is that the respondent failed to fulfill the obligations to execute the sale deed. Subsequently, disputes arose between the parties in relation to the said Agreement.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Agreement, issued a notice dated 17.06.2026 vide Annexure-G to the respondent under Section 21 of the Act. The said arbitration clause reads as under:



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"ARBITRATION:

Both the parties herein covenant that in the event of any dispute arising out of this transaction, they shall not rush to any court of law, but however appoint a Sole Arbitrator whose Award shall be final and binding on both parties. However, the Sole Arbitrator shall have the discretion whether to appoint any additional Arbitrators or not. The seat of Arbitration shall be the city of Bangalore and the courts of Bangalore shall have the jurisdiction in case of any disputes arising between the parties."

4. The respondent sent a reply dated 15.07.2026 vide Annexure-J to the said notice. Being dissatisfied with the reply, the present petition is filed seeking appointment of a sole Arbitrator.

5. Notice issued by this Court has been duly served upon the respondent. However, there is no representation on behalf of the respondent.

6. Having regard to the existence of the arbitration clause contained in the Agreement, which provides for



resolution of disputes arising between the parties, and the fact that the petitioner has duly invoked the said arbitration clause by issuing notice under Section 21 of the Act, this Court is of the opinion that a Sole Arbitrator is required to be appointed for adjudication of the disputes between the parties.

7. Accordingly, the following:

ORDER

- a) Civil Miscellaneous Petition is **allowed**.
- b) Sri.Ganesh B, retired District Judge, is appointed as the Sole Arbitrator in the present case to arbitrate the disputes between the parties at the Arbitration and Conciliation Centre (Domestic & International), Bengaluru, as per the Rules governing the said Arbitration Centre.
- c) All the claims and contentions of the parties are left open.
- d) Registry is directed to communicate this order via e-mail to the Arbitration and Conciliation



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Centre (Domestic & International), Khanija Bhavan, Bengaluru, and also to the learned Arbitrator.

- e) Registry is directed to return all the original documents produced by any of the parties after obtaining Photostat copies of the same.
- f) Parties are directed to appear before the Director, Arbitration and Conciliation Centre, Bengaluru, on **05.11.2026** at 11:30 a.m.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 26