



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 12<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

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

**CIVIL MISC. PETITION No.536 OF 2025**

**BETWEEN:**

M/S KIDS CLINIC INDIA LIMITED  
A COMPANY INCORPORATED UNDER  
THE PROVISIONS OF COMPANIES ACT, 1956  
HAVING ITS REGISTERED OFFICE AT No.1533  
9<sup>TH</sup> MAIN, 3<sup>RD</sup> BLOCK, JAYANAGAR  
BENGALURU-560 011.  
REPRESENTED BY ITS AUTHORISED SIGNATORY  
SRI. HANUMANTGOUDA.

...PETITIONER

(BY SMT. ARCHANA K.M, ADVOCATE)

**AND:**

DR. NITIKA SOBTI  
W/O KIRIT SOBTI  
AGE NOT KNOWN  
RESIDING AT C13, 3<sup>RD</sup> FLOOR  
OXFORD STREET, ROSEWOOD CITY  
SECTOR 40, GURGAON  
HARYANA - 122 001.

...RESPONDENT

(BY SRI RAVI SHANKAR R, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(6) OF  
ARBITRATION AND CONCILIATION ACT, 1996, R/W RULE 2 OF  
SCHEME FOR APPOINTMENT OF ARBITRATOR BY KARNATAKA  
HIGH COURT PRAYING TO EXERCISE THE POWER UNDER  
SECTION 11(6) OF THE ARBITRATION AND CONCILIATION  
ACT, 1996 AND APPOINT A SUITABLE PERSON AS ARBITRATOR



IN PURSUANCE OF ARBITRATION CLAUSE 18 IN THE CONSULTANCY AGREEMENT DATED 3.04.2023 AT ANNEXURE - A AND FOR SUCH OTHER ORDERS DIRECTIONS ETC.

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

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

**ORAL ORDER**

1. Heard learned counsel appearing for the parties.

2. This Petition is filed seeking appointment of an Arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996, (hereinafter referred to as 'the Act') based on the agreement for providing professional services dated 03.04.2023 (Annexure – A). It is noted that Clause 18 of the above said agreement provides for resolution of dispute by way of appointment of an Arbitrator under the provisions of the Act.

3. It is contended by Smt. Archana K.M., learned counsel appearing for the petitioner, by referring to Clause 4 of the aforementioned agreement, that respondent



herein was appointed as a consultant in the petitioner's hospital and termination of the said agreement has to be only by way of issuing a six months prior written notice by either of the party. Accordingly she sought for appointment of an Arbitrator as per Clause 18 of the agreement.

4. Per contra Sri. Ravi Shankar R., learned counsel appearing for the respondent opposed appointment of the Arbitrator and also stated that, as per e-mail dated 21.03.2024 issued by the petitioner - hospital to the respondent (Annexures R1 and R2) a draft agreement was entered into between the parties for certain negotiation as to the service of the respondent with the petitioner-hospital. However, the same was not concluded. Accordingly he submitted that there is no occasion for appointment of the Arbitrator.

5. In the light of the submissions made by the learned counsel for the parties and considering Clause 18 of the agreement which provides for appointment of



Arbitrator and also taking into consideration clause 4 of the agreement, I am of the view that, termination of agreement, at any time, has to be by giving six months prior notice by either of the parties. Taking into consideration, that as on today, the agreement dated 03.04.2023 stands, creating rights and liabilities between the petitioner and the respondent, I am of the view that appointment of an Arbitrator is necessitated.

6. Accordingly, Sri R.M. Vaidya, retired District Judge is appointed as the Arbitrator for resolution of dispute between the parties.

7. In order to avoid delay in the matter, the parties are directed to appear before the Arbitration and Conciliation Centre, Race Course Road, Bengaluru, on 07.04.2026 at 11.00 a.m. On appearance of the parties, learned Arbitrator is requested to resolve the dispute at the earliest.



8. The Registry is directed to communicate this order to the Arbitration and Conciliation Centre, Bengaluru and also to Sri. R.M. Vaidya, retired District Judge, forthwith.

9. All contentions of both the parties are kept open.

10. Accordingly, this Civil Miscellaneous Petition stands disposed of.

**Sd/-**  
**(E.S.INDIRESH)**  
**JUDGE**

LRS  
List No.: 1 SI No.: 34  
Ct.sm