



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH, 2026

BEFORE

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

CIVIL MISC. PETITION No. 559 OF 2025

BETWEEN:

1. M/S CANNAS LILLY INFRASTRUCTURE
PRIVATE LIMITED
A COMPANY REGISTERED UNDER
INDIAN COMPANIES ACT, 2013 No.287/B
9TH 'A' MAIN, 40TH CROSS
5TH BLOCK, JAYANAGAR
BANGALORE - 560 041
REPRESENTED BY ITS MANAGING DIRECTOR
SRI J.CHENGAMA NAIDU.

...PETITIONER

(BY SRI T.P VIVEKANANDA, ADVOCATE)

AND:

1. MR. K S M SHABBIR
AGED 75 YEARS
S/O SRI SYED MOHIUDDIN SAB
M/S.A.M.GROUPS, No.306
III FLOOR, LUCKY PARADISE
22ND CROSS, III BLOCK, JAYANAGAR
BANGALORE - 560 011.

ALSO AT No.4/1, ZENITH CHAMBERS
III FLOOR, OFF LAL BAUGH HOSUR ROAD
WILSON GARDENS
BANGALORE - 560 027.

2. MR. SYED AHMED
AGED 85 YEARS
S/O LATE SYED OMER



No.37, 5TH 'B' CROSS
16TH MAIN, II STAGE, B.T.M.LAYOUT
BANGALORE - 560 076.

...RESPONDENTS

(BY SRI SHRIKARA P K, ADVOCATE FOR R1
SRI C PATTABI RAMAN, ADVOCATE FOR R2)

THIS CMP IS FILED UNDER SECTION 11(5) OF THE ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO APPOINT AN ARBITRATOR TO ARBITRATE THE DISPUTE BETWEEN THE PETITIONER AND THE RESPONDENTS ARISING FROM THE AGREEMENT FOR SETTLEMENT DATED 15.03.2024 AT ANNEXURES - F AS PER CLAUSE 10.

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 under Section 11 of the Arbitration and Conciliation Act, 1996, (hereinafter referred to as 'the Act') seeking appointment of Arbitrator in terms of clause 10 of the Agreement for Settlement dated 15.03.2024 (Annexure – F).



3. A perusal of the petition papers would indicate that, the petitioner herein had issued a notice to the respondents on 23.05.2024 (Annexure G) and same has been responded by the respondents denying the appointment of Arbitrator on the ground that respondent No. 2 is not a signatory to the Agreement for Settlement produced at Annexure F to the petition. It is argued by Sri. T.P. Vivekananda, learned counsel appearing for the petitioner that the appointment of the Arbitrator is necessitated in view of the provision provided for resolution of dispute at Annexure F to the petition. In this regard, Sri. Shrikara P.K., learned counsel appearing for respondent No. 1 opposed the appointment of the Arbitrator on the ground that respondent No. 2 is not a signatory to the agreement and therefore petition does not survive.

4. In the light of the submission made by the learned counsel for the parties, it is not in dispute that Clause 10 of the Agreement for Settlement at Annexure F



dated 15.03.2024 provides for appointment of Arbitrator for resolution of the dispute between the parties.

5. I have carefully consider the submissions made by the learned counsel appearing for respondent No.1 as to the fact that respondent No. 2 is not a signatory to the agreement at Annexure F. However, these aspects have to be kept open to be urged before the learned Arbitrator and this Court while considering petition under Section 11 of the Act cannot consider the said aspect of the matter for opposing the petition for appointment of Arbitrator is concerned. In that view of the matter, I am of the view that petitioner has made out a case for appointment of an Arbitrator for resolution of the dispute.

6. Accordingly, Sri. A.N. Venugopala Gowda, Former Judge of this Court is hereby appointed as the Arbitrator to resolve the dispute between the parties herein.



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 02.04.2026 at 11.00 a.m. On appearance of the parties, learned Arbitrator is requested to resolve the dispute at the earliest.

8. Registry is directed to communicate this order to the Arbitration and Conciliation Centre, Bengaluru and also Sri. A.N. Venugopala Gowda, Former Judge of this Court forthwith.

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

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

LRS
List No.: 1 SI No.: 27
Ct.sm