



CNR: KAHC010782612025

NC: 2026:KHC:48229
CMP No. 691 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 691 OF 2025

BETWEEN:

1. MR. THODUKATTILE MELETHIL SHASHIDHAR
AGED 62 YEARS
S/O LATE A P APPUNNI KARTHA
2. MRS. RANJINI SHASHIDHAR
AGED ABOUT 57 YEARS
W/O MR. THODUKATTILE MELETHIL SHASHIDHAR
BOTH ARE R/AT F-2, K S MANSION
PONOTH ROAD, KALOOR
ERNAKULAM KERALA-682 017.

...PETITIONER

(BY SRI. M. VISHNU, ADVOCATE FOR
SRI. ANIYAN JOSEPH., ADVOCATE)

AND:

MR SASI KUMAR P
AGED 48 YEARS
S/O P GOVINDAN NAIR
R/AT FLAT NO. 309
MANITO COMMANDERS MARVEL APARTMENTS
DUO MARVEL LAYOUT, ANANTHAPURA GATE
YELAHANKA, BENGALURU-560064.

...RESPONDENTS

(RESPONDENT IS SERVED)

THIS CMP IS FILED UNDER SECTION 11(6) OF
ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO
APPOINT A SOLE ARBITRATOR TO ADJUDICATE THE DISPUTES

Digitally signed by
DHANAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



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BETWEEN THE PETITIONERS AND THE RESPONDENTS ARISING OUT OF THE AGREEMENT DATED 25.03.2024 AS MENTIONED IN ANNEXURE - A CLAUSE 10 OF THE AGREEMENT AND DIRECT THAT THE ARBITRATION PROCEEDINGS BE CONDUCTED IN BENGALURU 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 dispute between the petitioners and the respondent.

2. The petitioners are the owners of residential Flat No.309, situated at Manito Commanders Marvel Apartments, Duo Marvel Layout, Yelahanka, Bengaluru. The respondent was inducted as a tenant in the said apartment on a monthly rent of Rs.23,000/-, commencing



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from 01.06.2023. The parties subsequently entered into a Lease Agreement dated 25.03.2024. The said Lease Agreement contains an arbitration clause, namely, Clause 10, which reads as under:

"10. Arbitration:

All disputes, differences or disagreement arising out of, in connection with or in relation to this Agreement, which cannot be amicably settled, shall be finally decided by arbitration to be held in accordance with the provisions of the Arbitration and Conciliation Act, 1996. Any arbitration as aforesaid shall be a domestic arbitration under the Applicable Law."

3. Since disputes arose between the parties, the petitioners instituted a suit in O.S.No.26085/2024 before the Additional City Civil Judge, Bengaluru, seeking eviction of the respondent and recovery of arrears of rent. In the said suit, the respondent herein appeared through counsel and filed written statement, wherein he contended that the suit was not maintainable in view of the arbitration clause



contained in the Lease Agreement dated 25.03.2024. In view of the said contention, the petitioners withdrew the suit.

4. Thereafter, in terms of Section 21 of the Act, the petitioners issued a notice dated 10.10.2025 to the respondent, invoking the arbitration clause, vide Annexure-D. The petitioners have also produced the acknowledgment at Annexure-E evidencing service of the said notice upon the respondent. Despite service of the notice, the respondent did not furnish any response. Hence, the petitioners have filed the present petition.

5. Notice issued by this Court has also been duly served upon the respondent. Despite service of notice, none appears on behalf of the respondent.

6. In view of the above, and having regard to the existence of the arbitration clause contained in Clause 10 of the Lease Agreement dated 25.03.2024, this Court is of



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the opinion that a Sole Arbitrator is required to be appointed for adjudication of the disputes between the parties. Accordingly, the following:

ORDER

- a) Petition is **allowed**.
- b) Sri.Ganesh.B, Retired District Judge, is appointed as the Sole Arbitrator in the present case to arbitrate the dispute 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 kept open.
- d) Registry is directed to communicate this order via E-mail to the Arbitration and Conciliation Centre (Domestic & International), Khanija Bhavan, Bengaluru and also to the learned Sole Arbitrator.



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- e) Registry is directed to return all the original documents produced by any of the parties after obtaining Photostat copies of the same.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 9