HC-KAR
CNR: KAHC010025772026

NC: 2026:KHC:64186
CMP No. 16 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 16 OF 2026

BETWEEN:

HANUMANTH RAO
S/O SHANKAR RAO
AGED ABOUT 44 YEARS
R/AT NO. 109, DURGA PARAMESHWARI NILAYA
KEREPALYA, HOSAKEREHALLI
BANASHANKARI, 3RD STAGE
BENGALURU-560085.

...PETITIONER

(BY SRI. PARASHURAM R HATTARAKIHAL., ADVOCATE)

AND:

1. SUNIL D R
   S/O RAJARAO.D.S.
   AGED ABOUT 54 YEARS
   R/AT NO.96(28)
   SHARADANILAYA, 17TH MAIN
   2ND BLOCK, SHRINAGARA
   BANASHANKARI 1ST STAGE
   BENGALURU-560050.

   AND ALSO R/AT
   SRIKANTA PALACE
   S.S.LODGE, NO.1, RAJA RAO LAYOUT
   TIPPU SULTAN ROAD
   DEVANAHALLI-562110
   BENGALURU RURAL DISTRICT.

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2. VIJAYA KUMAR.T.S
S/O SIDDESHWARA TERADALU
AGED ABOUT 57 YEARS

3. SMT THANUJA
W/O VIJAYA KUMAR T S
AGED ABOUT 46 YEARS
R2 AND R3 ARE R/AT NO 1137 / EA
3RD MAIN ROAD NEAR R P C LAYOUT
POST OFFICE VIJAYANAGARA
2ND STAGE BENGALURU NORTH
HAMPINAGARA PIN-560104.

4. SUSHMA ANAND GUPTA
W/O LATE ANAND SRINIVAS GUPTA
AGED ABOUT 44 YEARS
R/AT NO.1899, 31ST CROSS
9TH MAIN, BSK 2ND STAGE
BENGALURU-560070.

...RESPONDENTS

(BY SRI. MAHESH B J., ADVOCATE FOR R1 & R2:
R3 SERVED AND UNREPRESENTED
NOTICE TO R4 IS HELD SUFFICIENT
V/O DATED: 12.11.2026)

THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO APPOINT A SOLE ARBITRATOR TO ADJUDICATE THE DISPUTE AROSE BETWEEN BOTH THE PARTIES AND PASS NECESSARY ORDERS BY GIVING FULL OPPORTUNITIES TO BOTH SIDE IN TERMS OF PAGE NO.7 OF THE RE-CONSTITUTION OF PARTNERSHIP DEED DATED 11.01.2017 AND REGISTERED ON 23.01.2017 AS PER ANNEXURE - C AND D RESPECTIVELY IN THE INTEREST OF JUSTICE AND EQUITY.

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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 the Deed of Re-constitution of Partnership dated 11.01.2017 and registered on 23.01.2017, particularly in terms of arbitration clause at page No.7 thereof, produced at Annexure-C.

2. The brief facts of the case are that the petitioner and the respondents entered into a partnership business in the name and style of M/s.Anjanadri Fuel Station, which was subsequently renamed as Sri Anjanadri Fuel Station and registered before the Registrar of Firms. The petitioner submits that he was running the said business by investing substantial amounts. However, respondent No.1, being a dealer under HPCL, allegedly misused the funds of the

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partnership firm in collusion with the other partners. Subsequently, HPCL took back the fuel station and re-allotted the same to Renukamba Fuels. During the course of the partnership business, the petitioner and the respondent Nos.1 and 4 had entered into Re-constitution of Partnership Deed dated 11.01.2017, which was registered on 23.01.2017 and subsequently re-constituted to include all the respondents. In view of the alleged misuse of the firm's funds, disputes arose between the partners in respect of the said Partnership Deed.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the said Partnership Deed, issued a notice dated 10.09.2024, vide Annexure-N, to the respondents under Section 21 of the Act. The said arbitration clause reads as under:

> *"**ARBITRATION:** All the disputes between the partners relating to the business and other affairs of the firm shall be settled by arbitration in accordance with the provisions of the Indian Arbitration Act, 1940."*

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4. The respondents sent a reply dated 15.09.2024 vide Annexure-P to the said notice. Being dissatisfied with the reply, the present petition is filed seeking appointment of a sole Arbitrator.

5. The learned counsel for the respondents submits that respondent has no objection to the appointment of a Sole Arbitrator and all the contentions of the parties may be left open to be urged before the learned Arbitrator.

6. Having regard to the existence of the arbitration clause contained in the said Partnership Deed, 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.

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7. Accordingly, the following:

ORDER

a) Civil Miscellaneous Petition is **allowed**.

b) Mr.M.G.Sudheendra, 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 Centre (Domestic & International), Khanija Bhavan, Bengaluru, and also to the learned Sole Arbitrator.

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

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f) Parties are directed to appear before the Director, Arbitration and Conciliation Centre, Bengaluru, on **19.12.2026** at 11:30 a.m.

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(H.T. NARENDRA PRASAD)
JUDGE

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LIST NO.: 1 SL NO.: 30