HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 262 OF 2025

BETWEEN:

M/S. PRESIDENCY BUILDERS AND DEVELOPERS
PRESENTLY OFFICE AT B-5,
PRESIDENCY ZONE 1, BENDOORWELL,
MANGALURU - 575 002,
REPRESENTED BY ITS MANAGING PARTNER
MR. HYDER ALI K.,
(AGED ABOUT 55 YEARS),
S/O ABUBACKER K.,
FLAT NO.1104,
PRESIDENCY ENCLAVE, SAPPHIRE BLOCK,
BENDOORWELL,
MANGALURU - 575 002.

...PETITIONER

(BY SRI. SACHIN B.S., ADVOCATE)

AND:

Digitally signed by CHAYA S A
Location: HIGH COURT OF KARNATAKA

MR. ABDULLAH ABDUL REHMAN
(AGED ABOUT 36 YEARS),
S/O T.A. ABDUL REHMAN,
RESIDING AT 'KHADEEJA',
S.L. MATHIAS ROAD,
FALNIR,
MANGALURU - 575 001,
REPRESENTED BY HIS SISTER AND
GPA HOLDER
MRS. SAFIA,
W/O ABDUSSALAM,
(AGED ABOUT 45 YEARS),
RESIDING AT FLAT NO.401,

SKY COURT BUILDING,
ATTAVAR,
MANGALURU - 575 001.

…RESPONDENT

(BY RESPONDENT - SERVED AND UNREPRESENTED)

THIS CMP IS FILED UNDER SECTION 11(5) OF ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO TO APPOINT AN ARBITRATOR TO ARBITRATE THE DISPUTE BETWEEN THE PARTIES AS PER CLAUSE 11.2 OF REGISTERED JOINT VENTURE AGREEMENT DATED 12.11.2009 VIDE ANENXURE-A AND 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

Heard the learned counsel appearing for the petitioner. Notice to the respondent is served and the respondent remained absent.

2. This Civil Miscellaneous Petition is filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 seeking appointment of the Arbitrator in terms of Clause-11.2 of the Joint Venture Agreement for Construction of

Commercial cum Residential Apartment Building dated 12.11.2009 at Annexure-A.

3. Having taken note of the submission made by the learned counsel appearing for the petitioner and Clause-11.2 of the Joint Venture Agreement for Construction of Commercial cum Residential Apartment Building dated 12.11.2009 at Annexure-A, I am of the view that, the resolution of the dispute between the parties has to be made by appointing an Arbitrator.

4. In that view of the matter, Sri. N.B. Kulkarni, retired District Judge be appointed to act as a Sole Arbitrator to resolve the dispute between the parties.

5. All claims and contentions of the parties are kept open to be decided by the Arbitral Tribunal.

6. A copy of this order be sent forthwith to the Arbitration and Conciliation Centre, Khanija Bhavan, Bengaluru for proceeding further in the matter.

7. Registry is directed to return the original documents if any, produced by the parties, after obtaining photostat copy of the same for the file.

Accordingly, Civil Miscellaneous Petitions are ***disposed of.***

SD/-
(E.S.INDIRESH)
JUDGE

KLV
List No.: 2 Sl No.: 25