HC-KAR

NC: 2026:KHC:60385
CMP No. 217 of 2026

CNR: KAHC010304742026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 217 OF 2026

BETWEEN:

M/S WAHAB ENTERPRISES PRIVATE LIMITED
(EARLIER KNOWN AS M/S MBT ESTATES PVT LTD)
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT NO. 1/4
1ST FLOOR, BATRA CHAMBERS
OPPOSITE CENTURION BANK
CUNNINGHAM ROAD, BANGALORE-560052
REP. BY ITS AUTHORIZED SIGNATORY
MR K I ARUN KUMAR.

...PETITIONER

(BY SRI. NANDISH PATIL., ADVOCATE)

AND:

HA CLASSIC HOMES PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 2013
BEARING CIN U43299KA2023PTC170944
HAVING ITS REGISTERED OFFICE AT
NO. 1054/A GROUND FLOOR, 1ST MAIN
DR AMBEDKAR MEDICAL COLLEGE ROAD
OPP ANAND TIMBER, M M LAYOUT
KAVALBYRASANDRA, R T NAGAR POST
R T NAGAR, BENGALURU 560032
REP. BY ITS ATHORIZED SIGNATORY
MR ABDUL HASSEN KHAN.

...RESPONDENT

(BY SRI. SANDEEP PRAVEEN., ADVOCATE)

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HAREKOPPA THIMMANNA GOWDA

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THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT PRAYING TO APPOINT AN INDEPENDENT SOLE ARBITRATOR TO ADJUDICATE THE DISPUTES THAT HAVE ARISEN BETWEEN THE PETITIONER AND THE RESPONDENT AS DETAILED IN THIS PETITION AND THE ANNEXURE HERETO AND VIDE CLAUSE 31 OF LEASE DEED DATED 04.06.2024 VIDE ANNEXURE A.

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

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 Lease Deed dated 04.06.2024, particularly in terms of Clause 31 thereof, produced at Annexure-A.

2. The brief facts of the case are that petitioner is a Private Limited Company and the absolute owner of the property bearing Old No.37, New Municipal No.59, situated at Haines Road, Frazer Town, Bengaluru, measuring 7015 sq.ft.. The respondent, who is also a Private Limited Company entered into a Lease Deed with the petitioner on

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04.06.2024. Subsequently, disputes arose between the parties in relation to the said Lease Deed.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Lease Deed, issued a notice dated 07.04.2026, vide Annexure-B, to the respondent under Section 21 of the Act. The said arbitration clause 31 reads as under:

> *"31. **ARBITRATION AND JURISDICTION**.*
>
> *31.1. In the event of any dispute arising between the parties hereto in respect of this Lease Deed, the same will be referred to a sole Arbitrator, appointed by the parties mutually, and the arbitration will be governed by the Arbitration and Conciliation Act, 1996. The venue of arbitration shall be Bangalore and the language for proceedings of arbitration shall be in English."*

4. Despite service of the said notice, the respondent did not furnish any response. Hence, the present petition is filed seeking appointment of a Sole Arbitrator.

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5. The learned counsel for the respondent submits that respondent has no objection to the appointment of Sole Arbitrator. He further submits that 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 Lease 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.

7. Accordingly, the following:

ORDER

a) Civil Miscellaneous Petition is allowed.

b) Sri K.M.Thammaiah, retired District Judge, is appointed as the Sole Arbitrator in the present

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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.

f) Parties are directed to appear before the Director, Arbitration and Conciliation Centre, Bengaluru, on 30.11.2026 at 11:30 a.m.

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(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 19