HC-KAR
NC: 2026:KHC:61625
CMP No. 166 of 2022
CNR: KAHC010306782020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 166 OF 2022

BETWEEN:

NARASIMHA M
AGED ABOUT 59 YEARS
S/O LATE RAMA NAIK
RESIDING AT NO.52/612
3RD CROSS, VENKATADRI LAYOUT
BEHIND APOLLO HOSPITAL, B.G.ROAD
J P NAGAR, 7TH PHASE
BANNERGHATTA ROAD
BENGALURU-560 076.

...PETITIONER

(BY SRI. MAHESH KIRAN SHETTY S., ADVOCATE)

AND:

1. M/S NANNI STRUCTURES AND BUILDERS
   NO.922, 28TH MAIN, 9TH BLOCK
   JAYANAGAR, BENGALURU-560 069
   REP. BY ONE OF ITS PARTNER
   SRI SUDHAKA KANCHAN
   S/O GANAPPA BANGERA
   HOTEL BHAGYA SAGAR
   GARVEPALYA, HOSUR ROAD
   BENGALURU-560 068.

2. S M RAVI
   S/O MALLIKARJUNAPPA
   AGED ABOUT 55 YEARS
   R/AT NO.922, 28TH MAIN

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HAREKOPPA THIMMANNA GOWDA

9TH BLOCK, JAYANAGAR
BENGALURU-560 069.

3. SRI SUDHAKAR KANCHAN
S/O GANAPA BANGERA
AGED ABOUT 53 YEARS
NANJUNDESHWARA NILAYA
NO.5, BPR GARDEN
KUDLU MAIN ROAD
BENGALURU-560 068.

4. A SHANKAR KUNDAR
S/O SRI AMMANNA
AGED ABOUT 58 YEARS
R/AT FLAT NO.303
SHREE ENCLAVE, NO.26
N R COLONY, BENGALURU-560 017.

5. SRI SATHYANARAYANA K
S/O SRI PANJU
AGED ABOUT 44 YEARS
R/AT 66/67, 2ND MAIN
3RD CROSS, JAIHANUMAN NAGAR
AREKERE EAST, BENGALURU-560 078

…RESPONDENTS

(V/O DATED: 30.09.2026 SERVICE OF NOTICE IS HELD SUFFICIENT IN RESPECT OF R1,R4 & R5: R2 & R3 ARE SERVED AND UNREPRESENTED)

THIS CIVIL MISC. PETITION IS FILED UNDER SECTIONS 11 (5) & (6) OF THE ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO APPOINT AN ARBITRATOR PREFERABLY THROUGH THE ARBITRATION CENTRE AT BENGALURU TO RESOLVE THE DISPUTE BETWEEN THE PETITIONER AND RESPONDENTS AS PER AGREEMENT DATED: 09.07.2010 VIDE ANNEXURE-C 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

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HAREKOPPA THIMMANNA GOWDA

CNR: KAHC010306782020

ORAL ORDER

This petition is filed under Sections 11(5) and (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 Partnership Deed dated 09.07.2010, particularly in terms of Clause 25 thereof, produced at Annexure-C.

2. The brief facts of the case are that the petitioner and respondent Nos.2 to 5 entered into a Partnership Deed on 09.07.2010 and formed first respondent partnership firm. Subsequently, disputes arose between the parties in relation to the said Partnership Deed.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Partnership Deed, issued a notice dated 19.02.2020, vide Annexure-A, to the respondents under Section 21 of the Act. The said arbitration Clause 25 reads as under:

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"25. <u>Disputes:</u>

25.1. In the event of any dispute arising among the partners either with regard to the carrying on of the business or generally arising out of this deed of partnership, such disputes shall be decided by the majority of the partners, and every partner shall have the right to express his opinion before the matter is decided.

25.2. However, no change shall be made in the nature of the business without the consent of all the partners.

25.3. Any dispute which is serious in nature and the amount involved in the dispute is over and above Rs.25,00,000/-(Rupees Twenty five Lakhs), it may be referred jointly and settled by arbitration to be carried out in accordance with the provision of The Arbitration And Conciliation Act, 1996 (Act No.26 of 1996) or any amendment thereof."

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

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5. Notice issued by this Court has been duly served upon the respondents. However, there is no representation on behalf of the respondents.

6. Having regard to the existence of the arbitration clause contained in the 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.

7. Accordingly, the following:

ORDER

a) Civil Miscellaneous Petition is allowed.

b) Sri D.R.Venkatasudarshan, a 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,

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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 17.12.2026 at 11:30 a.m.

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(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 23