HC-KAR

NC: 2026:KHC:60022
CMP No. 317 of 2025

CNR: KAHC010363472025

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. 317 OF 2025

BETWEEN:

T V KARAN
AGED ABOUT 28 YEARS
S/O T V VENKATESH
R/AT 7A/298, LIONS COMMUNITY HALL
BASAVESHWARA NAGAR
KOLLEGAL TOWN AND TALUK
CHAMARAJANAGAR DISTRICT -571440

…PETITIONER

(BY SRI. FAISAL ALI KHAN., ADVOCATE)

AND:

1. M/S COORG CINEPLEX
   REP. BY ITS MANAGING PARTNER
   U R UMESH
   A REGISTERED PARTNERSHIP FIRM
   B M ROAD, KUSHALNAGAR TOWN
   KUSHALNAGAR, KODAGU DISTRICT-571234.

2. U.R.RAMESH
   U.R. RANGAIAH
   AGED ABOUT 50 YEARS
   R/AT NO.701, BASAVESHWARA BADAVANE
   MULUVADI VILLAGE, KUSHALNAGAR TALUK
   KODAGU DISTRICT – 571234.

3. K.G. SUDHINDRA
   S/O K.G. GOPALA

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HAREKOPPA THIMMANNA GOWDA

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AGED ABOUT 51 YEARS
R/AT 2ND BLOCK, KUSHALNAGAR
KUSHALNAGAR TALUK
KODAGU DISTRICT – 571234.

…RESPONDENTS

(BY SRI. RAGHUNATHA K., ADVOCATE FOR R1 TO R3)

THIS CMP IS FILED UNDER SECTION 11(4) AND (5) OF ARBITRATION AND CONCILIATION ACT, PRAYING TO DETERMINE THE NUMBER OF ARBITRATORS FURTHER APPOINT THREE ARBITRATORS AS PROPOSED BY PETITIONER ONE FOR PETITIONER ONE FOR THE RESPONDENT AND AN INDEPENDENT PRECEDING ARBITRATOR AS THE COURT DEEMS FIT TO ADJUDICATE THE DISPUTE REGARDING RETIREMENT OF PARTNER, SETTLEMENT OF ACCOUNTS, PAYMENT OF PROFITS AND REMUNERATION AND DISSOLUTION OF FIRM, IN THE PARTNERSHIP DEED SUBSISTING BETWEEN THE PARTIES AT ANNEXURE A AS PER CLAUSE 33 OF THE PARTNERSHIP DEED DATED 29.12.2021 AND EMPOWER THE AID ARBITRATOR OR ARBITRATORS TO ISSUE ORDERS RELATING TO ADJUDICATE UPON PAYMENTS IF ANY, COST OF ARBITRATION PROCEEDINGS AND PASS SUCH FURTHER ORDERS AS MAY BE NECESSARY IN THE INTEREST OF JUSTICE AND EQUITY.

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: KAHC010363472025

ORAL ORDER

1. This petition is filed under Section 11(4) and 11(5) 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 Reconstitution of Partnership dated 29.12.2021, particularly in terms of Clause 33 thereof, produced at Annexure-A.

2. The brief facts of the case are that respondent No.1, M/s.Coorg Cineplex is a registered partnership firm incorporated in the year 2013 and some of the partners retired themselves from the firm in the year 2018 and remaining partners continued. Thereafter, petitioner was introduced as a new partner. Accordingly, the petitioner, respondent No.2 and respondent No.3, being the partners of the respondent No.1, M/s.Coorg Cineplex entered into a Deed of Reconstitution of Partnership dated 29.12.2021 (Annexure-A). Subsequently, disputes arose between the partners in relation to the said Deed.

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3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the said Deed, issued a notice dated 21.02.2025 vide Annexure-C, to the respondent under Section 21 of the Act. The said arbitration clause 33 reads as under:

> *"33. All the disputes and questions in connections with the partnership or this deed arising between the partners shall be referred to the arbitration comprising of Four arbitrators one to be appointed by each partners."*

4. The respondents sent a reply dated 26.02.2025 vide Annexure-D to the said notice. Being dissatisfied with the reply, the present petition is filed seeking appointment of a sole Arbitrator.

5. The learned counsel appearing for the respondents submits that respondents have no objection to the appointment of sole Arbitrator. However, he seeks that all the contentions of the parties be kept open to be urged before the learned Arbitrator.

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6. Having regard to the existence of the arbitration clause contained in the Deed (Annexure-A), 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) Hon'ble Smt.Justice M.G.Uma, Former Judge, High Court of Karnataka, 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.

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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 Hon'ble Smt.Justice M.G.Uma.

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.

Digitally Signed by NARENDRA PRASAD HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 12