HC-KAR
NC: 2026:KHC:61809
CMP No. 318 of 2026
CNR: KAHC010428952026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 318 OF 2026

BETWEEN:

1. SMT. G RANI
   D/O LATE D. GOPAL
   AGED ABOUT 52 YEARS
   R/AT 55, 14TH MAIN ROAD
   NANJAPPA LAYOUT, VRUSHABHAVATHI
   NAGARA KAMAKSHIPALYA
   BENGALURU-560079.

2. MR. KIRAN V
   S/O LATE B.K. VENKATESH
   AGED ABOUT 35 YEARS
   R/AT 2/2, 2ND MAIN ROAD
   NEAR DEVAIAH PARK, MARUTHI EXTN
   BANGALORE, SRIRAMPURAM-560021.

...PETITIONERS

(BY SRI. JOHNSON J., ADVOCATE)

AND:

1. M/S KINGSTON VENTURES INDIA PRIVATE LIMITED
   INDIA PRIVATE LIMITED
   REP. BY ITS DIRECTOR,
   OFFICE AT SY 12, PR NO. 18.19
   SANNATHAMMANAHALLI VILLAGE
   DEVASANDRA, BENGALURU-560036
   PH 6363575055/900688484.

2. SMT. SAROJA
   AGED ABOUT 71 YEARS

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HAREKOPPA THIMMANNA GOWDA

W/O LATE. D. GOPAL
AADHAR NO. 6014 2385 8887

3. SRI. G. MOHAN
AGED ABOUT 49 YEARS
S/O LATE. D. GOPAL
AADHAR NO. 4849 6487 7076.

4. MISS. BHOOMIKA
AGED ABOUT 23 YEARS
D/O G. MOHAN
AADHAR NO. 8951 0118 9161

5. SRI. HEMANTH
AGED ABOUT 20 YEARS
S/O G. MOHAN
AADHAR NO. 4310 0701 5652

6. SMT. G. KALPANA
AGED ABOUT 43 YEARS
D/O LATE. D. GOPAL
AADHAR NO. 4518 7113 7628

7. SMT. MANJULA
AGED ABOUT 60 YEARS
W/O LATE. B. K. VENKATESH
AADHAR NO. 2629 8973 2578.

8. SRI SANDEEP. A
AGED ABOUT 31 YEARS
S/O LATE. VIJAYA AND LATE. ANNAIAPPA
AADHAR NO. 5344 1700 0075

9. SRI. SANJAY. A
AGED ABOUT 29 YEARS
S/O LATE. VIJAYA AND LATE. ANNAIAPPA
AADHAR NO. 6051 2290 6147

10. SRI. SUBRAMANI
AGED ABOUT 54 YEARS

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S/O LATE. KANNAPPA
AADHAR NO. 9451 7653 2615

11. SRI. MANJUNATH. S
AGED ABOUT 31 YEARS
S/O SRI. SUBRAMANI
AADHAR NO. 9960 8389 4736

12. SMT. S. KAVYA
AGED ABOUT 33 YEARS
D/O SRI. SUBRAMANI
AADHAR NO. 9257 9130 2897

13. SMT. SAROJA
AGED ABOUT 53 YEARS
D/O LATE. KANNAPPA
AADHAR NO. 5865 2267 7647

14. SMT. PREMA
AGED ABOUT 52 YEARS
D/O LATE. KANNAPPA
AADHAR NO. 6042 3079 7991

15. SMT. JAYAMMA
AGED ABOUT 51 YEARS
D/O LATE. KANNAPPA
AADHAR NO. 4061 1045 6237

16. SMT. SHASHIKALA
AGED ABOUT 49 YEARS
D/O LATE. KANNAPPA
AADHAR NO. 6443 7280 8297

17. SMT. SHANTA
AGED ABOUT 45 YEARS
D/O LATE. KANNAPPA
AADHAR NO. 7245 3977 0368
R2 R17 ARE RESIDING AT
KASAVANAHALLI VILLAGE

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CARMELARM POST
BENGALURU EAST-560035.

RESPONDENTS
(BY SRI.R1 TO R17 ARE SERVED AND UNREPRESENTED)

THIS CMP IS FILED UNDER SECTION 11(5) AND 11(6) OF ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO APPOINT ARBITRATOR UNDER SEC.11(5) AND 11(6) OF A AND C ACT, 1996, TO ADJUDICATE THE DISPUTE RAISED BY THE PETITIONERS AGAINST THE RESPONDENTS UNDER THE AGREEMENT DATED 21.06.2024, (CLAUSE 13 OF STATUTORY PROHIBITION) PRODUCED AT ANNEXURE - A, 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

ORAL ORDER

1. This petition is filed under Section 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 Agreement to Sell dated 21.06.2024, particularly in terms of Arbitration Clause-13 thereof, produced at Annexure-A.

2. The brief facts of the case are that petitioners are the absolute owners of petition schedule property. Respondent

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No.1 is the private limited company carrying on business in the field of real estate development. The respondent No.1 approached the petitioners expressing its intention to purchase the schedule property. Thereafter, the parties entered into an Agreement to Sell dated 21.06.2024 for a sale consideration of Rs.4,18,00,000/- (Annexure-A). Subsequently, disputes arose between the parties in relation to the said Agreement.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Agreement, issued a notice dated 02.06.2026 vide Annexure-B, to the respondent under Section 21 of the Act. The said arbitration clause 13 reads as under:

> *"In the event of any dispute of difference arising in relation to this agreement, its interpretation, performance or any other matter, the same shall be decided by mutual discussion between the parties. Either of the parties shall be entitled to raise such question in writing in a letter addressed to the other party and the parties' representatives shall meet and use good faith efforts to resolve such dispute or*

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differences within a week of either of the parties raising a dispute.

In the event of the Parties being unable to resolve the dispute by conciliation as above or within such further time as the parties may mutually agree, the dispute may be referred by either party to arbitration by a panel of his arbitrators (one to be appointed by First party, the other by second party and third by the two arbitrators) in accordance with the provisions of the arbitration and conciliation act, 1996 or any re-enactment or modification thereof and shall be decided by such arbitral tribunal. The award shall be final and binding on the parties.

i. The arbitration will be held in Bangalore City.

ii. The language of the arbitration proceedings will be in English.

The disputes shall be resolved in Thirty working days of reference or within a reasonable period as may be agreed between the parties writing. It is however clarified the work will not stop, pending the arbitration process.

Any disputes between the parties hereto shall be subject to jurisdiction of courts at Bangalore city."

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 respondent. However, there is no representation on behalf of the respondents.

6. Having regard to the existence of the arbitration clause contained in the Agreement, 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.H.Mallappa, 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

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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 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 18.12.2026 at 11:30 a.m.

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(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 3