HC-KAR
NC: 2026:KHC:61620
CMP No. 463 of 2026
CNR: KAHC010565442026

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. 463 OF 2026

BETWEEN:

1. M/S. SRISHTI DEVELOPERS
A PARTNERSHIP FIRM REP.
BY ITS PARTNERS-PETITIONERS NO.2 AND 3
HAVING ITS OFFICE AT FLAT NO.401
SRISHTI DHRUVA, SHETTY LAYOUT
GARUDACHARPALYA, MAHADEVAPURA
BENGALURU-560 048.

2. SRI. K. RAVI PRAKASH
S/O SRI. K. SREERAMULU REDDY
AGED ABOUT 48 YEARS
PARTNER M/S. SRISHTI DEVELOPERS

3. SRI. P NARASIMHA REDDY
S/O SRI. P JAGANNADHA REDDY
AGED ABOUT 50 YEARS
PARTNER, M/S. SRISHTI DEVELOPERS
BOTH HAVING OFFICE AT FLAT NO.401
SRISHTI DHRUVA, SHETTY LAYOUT
GARUDACHARPALYA, MAHADEVAPURA
BENGALURU-560 048.

...PETITIONERS

(BY SRI. VIJAY KRISHNA BHAT. M., ADVOCATE)

AND:

1. SRI. S MANJUNATH
S/O SRI R SRINIVASA REDDY
AGED ABOUT 55 YEARS

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

2. SMT. NEELAVENI. S
W/O SRI. S MANJUNATH
AGED ABOUT 40 YEARS

3. MS. K M SHRESTA
D/O SRI. S. MANJUNATH
AGED ABOUT 21 YEARS.

4. MS. M PRIYANKA
D/O SRI. S. MANJUNATH
AGED ABOUT 18 YEARS

5. SRI. S CHANDRA SHEKAR
S/O OF SRI R. SRINIVASA REDDY
AGED ABOUT 57 YEARS.

6. SMT. KAVITHA RANI K
W/O SRI. S. CHANDRA SHEKAR
AGED ABOUT 50 YEARS

7. MS. C PRAGATHI
D/ OF S. CHANDRASHEKAR
AGED ABOUT 26 YEARS

8. MS. C. KEERTHI
D/ OF S. CHANDRASHEKAR
AGED ABOUT 22 YEARS.

9. MASTER C VISHNU
S/O S. CHANDRASHEKAR
AGED ABOUT 20 YEARS

ALL ARE R/AT NO.302/2
4TH MAIN ROAD, KAGGADASAPURA
CV RAMAN NAGAR POST
BENGALURU-560 093.

…RESPONDENTS

(BY SMT. NEERAJA KARANTH., ADVOCATE FOR R1 TO R4:
SRI. M B RAVIKUMAR, ADVOCATE FOR R5-R8:
SRI. ROHAN S., ADVOCATE FOR R9)

THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO APPOINT A SOLE ARBITRATOR COMPETENT TO ADJUDICATE ALL THE DISPUTE THAT

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

HAS ARISEN BETWEEN THE PARTIES AS PER THE ARBITRATION AGREEMENT AT CLAUSE -27 OF THE REGISTERED JOINT DEVELOPMENT AGREEMENT DATED 06.12.2023 AT ANNEXURE - A AND GRANT SUCH OTHER AND FURTHER RELIEFS 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

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 Joint Development Agreement dated 06.12.2023, particularly in terms of Clause 27 thereof, produced at Annexure-A.

2. The brief facts of the case are that first petitioner is a Partnership Firm engaged in the property development and petitioner Nos. 2 and 3 are the partners. The respondents are the absolute owners of the property bearing Sy.Nos.199/7 and 199/8 situated at Kaggadasapura Village, Bengaluru East Taluk. Thereafter,

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

the parties entered into a Joint Development Agreement dated 06.12.2023. Subsequently, disputes arose between the parties in relation to the said Joint Development Agreement.

3. As the disputes arose between the parties, the petitioners, invoking the arbitration clause contained in the Joint Development Agreement, issued a notice dated 17.06.2026, vide Annexure-D, to the respondents under Section 21 of the Act. The same has been served on the respondents. The said arbitration Clause 27 reads as under:

> *"**27. <u>ARBITRATION</u>:***
>
> *27.1) The Parties hereto agree that in the event of there being any disputes with regard to this Agreement or interpretation of any of the terms of this Agreement, the same shall be resolved by reference to arbitration in terms hereof.*
>
> *27.2) The arbitration proceedings shall be conducted under the provisions of the Arbitration and Conciliation Act, 1996.*
>
> *27.3) All proceedings in the arbitration proceedings shall be conducted in English.*

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

27.4) The Arbitral Tribunal shall comprise of a Sole Arbitrator to be mutually agreed upon and jointly nominated by the parties.

27.5) The arbitration award shall be final and binding on the parties, and the parties agree to be bound thereby and to act accordingly.

27.6) The Arbitral Tribunal may by unanimous agreement, award to a party that substantially prevails on the merits its costs and reasonable expenses (including reasonable fees of its counsel).

27.7) Seat of such arbitration shall be at Bangalore."

4. One of the respondents issued a legal notice dated 29.06.2026 vide Annexure-F questioning the validity of transaction and disputing the petitioner's right. Being dissatisfied with the same, the present petition is filed seeking appointment of a Sole Arbitrator.

5. The learned counsel for the respondents submit that the respondents have no objection to the appointment of Sole Arbitrator, provided, all the contentions of the

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

parties be left open to be urged before the learned arbitrator.

6. Having regard to the existence of the arbitration clause contained in the Joint Development Agreement, which provides for resolution of disputes arising between the parties, and the fact that the petitioners have 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 S.R.Somasekhara, 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,

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

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 18.12.2026 at 11:30 a.m.

Digitally Signed by NARENDRA PRASAD HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 54