HC-KAR
CNR: KAHC010776192026

NC: 2026:KHC:64882
RP No. 694 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

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

REVIEW PETITION NO.694 OF 2026

BETWEEN:

1. SMT. BHARATHI
W/O SRI. SHAMANNA
AGED ABOUT 36 YEARS
R/AT NO.52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BENGALURU-560029.

…PETITIONER

(BY SRI. JEEVAN K, ADV.,)

AND:

1. M/S WINDSOR GARDENS PVT LTD
A COMPANY REGISTERED UNDER THE
REGISTERED ACT 1956
HAVING REGISTERED OFFICE AT NO 722
37TH CROSS, 9TH MAIN, 5TH BLOCK
JAYANAGAR, BANGALORE-560041.

REPRESENTED BY ITS MANAGING DIRECTOR
MR. M. SRINIVASA RAO.

2. SMT B PAPACHAMMA
W/O SRI. ARJUNAPPA
MAJOR IN AGE
RESIDING AT NO. 52
SUBBANNA GARDEN
JALABHAVANA LAYOUT

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HAREKOPPA THIMMANNA GOWDA

BANNERGHATTA ROAD
BANGALORE 560029.

3. SMT. B. PRABHA
W/O SRI. GOPAL
AGED ABOUT 58 YEARS
RESIDING AT NO.52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE 560029.

4. SMT. B. LALITHA
W/O SRI. SHAMANNA
MAJOR IN AGE
RESIDING AT NO. 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE 560029.

5. SMT. B. VIJAYA
W/O SRI. SURYANARAYANA
MAJOR IN AGE RESIDING AT NO. 52
SUBBANNA GARDEN, JALABHAVANA LAYOUT
BANNERGHATTA ROAD,
BANGALORE 560029.

6. SMT. NETHRAVTHI
D/O SRI SURYANARAYANA
AGED ABOUT 29 YEARS
RESIDING AT NO. 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE 560029.

7. SRI. B. MANJUNATH
S/O LATE S.M. BHEMANNA
RESIDING AT NO. 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE 560029.

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8. SMT. B. NIRMALA
W/O SRI SURESH
AGED ABOUT 43 YEARS
RESIDING AT NO. 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE 560029.

9. SRI. MANOHAR
S/O SRI SURESH
AGED ABOUT 25 YEARS
RESIDING AT NO. 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE 560029.

10. SRI. RAKESH
S/O SRI SURESH
AGED ABOUT 21 YEARS
RESIDING AT NO. 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE 560029.

11. SRI. S.B. MAHESH
S/O LATE S.M. BHEMANNA
AGED ABOUT 41 YEARS
R/A NO. 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATA ROAD
BANGALORE 560029.

12. KUM. HARIPRIYA
D/O SRI MAHESH
AGED ABOUT 13 YEARS
R/A NO 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE 560029
(SINCE MINOR AND BEING REP BY HER NATURAL

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GUARDIAN AND FATHER SRI. S.B. MAHESH).

13. SRI. LOKESH
S/O SRI. ARUNAPPA
AGED ABOUT 42 YEARS
R/A 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE 560029.

14. SMT. PUSHPA
D/O SRI ARUJNAPPA
AGED ABOUT 40 YEARS
R/A NO 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE 560029.

15. SRI. SHANTHARAJ
S/O SRI ARJUNAPPA
AGE ABOUT 37 YEARS
R/A NO 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE 560029.

16. SRI. MANJUNATH
S/O SRI. ARJUNAPPA
AGED ABOUT 34 YEARS
RESIDING AT NO. 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE - 560029.

17. SMT. ANITHA
D/O SRI. GOPAL
AGED ABOUT 38 YEARS
RESIDING AT NO.52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD

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18. SRI. MOHAN
S/O SRI. GOPAL
AGED ABOUT 36 YEARS
RESIDING AT NO. 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE - 560029.

19. SRI. RAMESHA
S/O SRI. SHAMANNA
AGED ABOUT 39 YEARS
RESIDING AT NO. 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE - 560029.

20. SMT. SUDHA
D/O SRI. SHAMANNA
AGED ABOUT 34 YEARS
RESIDING AT NO. 52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE - 560029.

21. SMT. JAYANTHI
D/O SRI. MANJUNATHA
AGED ABOUT 35 YEARS
RESIDING AT NO.52, SUBBANNA GARDEN
JALABHAVANA LAYOUT
BANNERGHATTA ROAD
BANGALORE - 560029.

…RESPONDENTS

THIS REVIEW PETITION IS FILED UNDER SECTION.114 R/W ORDER 47 RULE 1 OF CPC 1908, PRAYING TO REVIEW THE ORDER DATED 13.10.2026 PASSED IN CMP No.300/2026

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VIDE ANNEXURE A FILED BY THE RESPONDENT No.1 HEREIN IN THE INTEREST OF JUSTICE.

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 review petition is filed by the petitioner under Section 114 read with Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure, seeking review of the order passed by this Court in CMP No.300/2026 dated 13.10.2026.

2. The only grievance of the petitioner is that, though the agreement between the parties was entered into on 18.11.2013, the arbitration clause was belatedly invoked by issuing a notice dated 29.04.2025, and therefore, there is a delay in invoking the arbitration proceedings.

3. The Apex Court, in the case of ***SBI General Insurance Company Limited vs. Krish Spinning,*** reported in ***(2024) 12 SCC 1***, has clarified that, while determining the issue of limitation in exercising the power under

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Section 11(6) of the Act, the referral Court should limit its enquiry to examining whether the application under Section 11(6) of the Act has been filed within the period of limitation of three years or not. The date of commencement of the limitation period for this purpose shall have to be determined in accordance with the principles laid down in the said decision. If there is any delay in invoking arbitration, it is for the arbitrator to decide. The parties can raise such a contention before the arbitrator. The relevant paragraph No.136 is extracted below:

> *"136. Thus, we clarify that while determining the issue of limitation in exercise of the powers under Section 11(6) of the 1996 Act, the Referral Court should limit its enquiry to examining whether Section 11(6) application has been filed within the period of limitation of three years or not. The date of commencement of limitation period for this purpose shall have to be construed as per the decision in Arif Azim [Arif Azim Co. Ltd. v. Aptech Ltd., (2024) 5 SCC 313 : (2024) 3 SCC (Civ) 358 : 2024 INSC 155] . As a natural corollary, it is further clarified that the*

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Referral Courts, at the stage of deciding an application for appointment of arbitrator, must not conduct an intricate evidentiary enquiry into the question whether the claims raised by the applicant are time-barred and should leave that question for determination by the arbitrator. Such an approach gives true meaning to the legislative intention underlying Section 11(6-A) of the Act, and also to the view taken in Interplay Between Arbitration Agreements under the Arbitration Act, 1996 & the Stamp Act, 1899."

4. In view of the above, no ground is made out to review the order dated 13.10.2026 passed in CMP No.300/2026. There is no error apparent on the face of the record.

5. Accordingly, the review petition is ***dismissed***.

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(H.T. NARENDRA PRASAD)
JUDGE

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List No.: 1 Sl No.: 15