HC-KAR
NC: 2026:KHC:61445
CMP No. 714 of 2025
CNR: KAHC010796792025

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. 714 OF 2025

BETWEEN:

SMT G. BUJJAMMA
W/O LATE SRI G. NARAYANA REDDY
AGED ABOUT 72 YEARS
R/AT NO. 42, 5TH CROSS, K.T. ROAD
T. DASARAHALLI, BANGALORE-560 057.

...PETITIONER

(BY SRI. D V S VARDHAN REDDY., ADVOCATE)

AND:

1. MR. MAQSOOD M ALI
   S/O LATE MEHMOOD ALI
   NO. 185, NORTH WEST COUNTRY
   RAJANAKUNTE, DODDABALLAPUR ROAD
   YELAHANKA HOBLI, BANGALORE-560 064.

2. MR. ABDUR REHMAN @ TAUZ
   S/O MR. MAQSOOD ALI
   NO. 185, NORTH WEST COUNTRY
   RAJANAKUNTE, DODDABALLAPUR ROAD
   YELAHANKA HOBLI, BANGALORE-560 064.

3. MS. TASMIA
   D/O MR. MAQSOOD ALI
   NO. 185, NORTH WEST COUNTRY
   RAJANAKUNTE, DODDABALLAPUR ROAD
   YELAHANKA HOBLI, BANGALORE-560 064.

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HAREKOPPA THIMMANNA GOWDA

4. MR. RAIYAAH ALI
S/O MR. MAQSOOD ALI
NO. 185, NORTH WEST COUNTRY
RAJANAKUNTE, DODDABALLAPUR ROAD
YELAHANKA HOBLI, BANGALORE - 560 064.

5. MS. SARAH ALI
D/O MR. MAQSOOD ALI
NO. 185, NORTH WEST COUNTRY
RAJANAKUNTE, DODDABALLAPUR ROAD
YELAHANKA HOBLI, BANGALORE-560 064.

6. MAQSOOD AND MAQDOOM BENEFIT TRUST
REP. BY ITS BENEFICIARY
MR. MAQSOOD ALI NO. 185, NORTH WEST COUNTRY
RAJANAKUNTE, DODDABALLAPUR ROAD
YELAHANKA HOBLI, BANGALORE - 560 064

AND ALSO RESIDING AT
ALI ESTATE, VASUDEVAPURA VILLAGE
YELAHANKA HOBLI, BANGALORE NORTH TALUK
BANGALORE - 560 064.

…RESPONDENTS

(SERVICE OF NOTICE TO R1 TO R5 IS HELD SUFFICIENT
V/O DATED: 07.10.2026)

THIS CMP IS FILED UNDER SECTION 11(5) AND 11(6) OF ARBITRATION AND CONCILIATION ACT, PRAYING TO APPOINT A SOLE, ARBITRATOR, PREFERABLY HONBLE JUSTICE P KRISHNA BHAT (RETD), FORMER JUDGE OF THE HIGH COURT OF KARNATAKA , TO ADJUDICATE THE DISPUTES ARISING OUT OF and RELATING TO THE REGISTERED JOINT DEVELOPMENT AGREEMENT DATED 24.08.2011 EXECUTED BETWEEN THE PETITIONER AND THE RESPONDENTS IN TERMS OF CLAUSE 15 CONTAINED THEREIN A TRUE COPY OF WHICH IS PRODUCED HEREWITH AS ANNEXURE A.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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HAREKOPPA THIMMANNA GOWDA

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CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. This petition is filed under Sections 11(5) and 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 24.08.2011, particularly in terms of Clause 15 thereof, produced at Annexure-A.

2. The brief facts of the case are that on 24.08.2011, the respondents execute a registered Joint Development Agreement (JDA) and registered GPA in favour of the petitioner in respect of 2 acres entrusting her with development of the property. Acting on the same, the petitioner proceeded with the assigned work. Disputes arose between the parties when the respondents initiated O.S.No.2375/2019 through one Rajeev Kumar, claiming to be the General Power of Attorney holder of the Trust, challenging the earlier alienations of the property.

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Subsequently, by way of an amendment in 2024, the respondents directly challenged the Registered Joint Development Agreement and General Power of Attorney dated 24.08.2011 executed in favour of the petitioner, despite the petitioner having undertaken development works, including construction of a villa, formation of sites and execution of infrastructure works between 2011 and 2018. The petitioner entered appearance and filed Section 8 application which is reserved for orders. Thus, disputes arose regarding the respondents' challenge to the said agreements and the petitioner's rights in respect of the developed property and the benefits arising therefrom.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Joint Development Agreement, issued a notice dated 08.10.2025, vide Annexure-J, to the respondent under Section 21 of the Act. The said arbitration clause 15 reads as under:

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> "***15. ARBITRATION***:
> *In case any dispute or difference should arise between the parties hereto the parties herein shall appoint a mutually agreed sole Arbitrator, who shall deal with the dispute under the provisions of the Arbitration and Conciliation Act, 1996, or any statutory modification thereof. The award of the Arbitrator shall be final and binding on the party."*

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

5. Notice issued by this Court has been duly served upon the respondents. However, there is no representation on behalf of the respondents. Hence, service of notice to respondents was held sufficient.

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 petitioner has duly invoked the said arbitration clause by issuing notice under

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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 Mr.Justice Chandrashekar M.Joshi, 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.

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

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Mr.Justice Chandrashekar M.Joshi, Former Judge, High Court of Karnataka.

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

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LIST NO.: 1 SL NO.: 42