

**IN THE COURT OF THE PRINCIPAL CITY CIVIL AND
SESSIONS JUDGE, AT BENGALURU**

Dated this the 15th day of June, 2026

Present: Shri K.S. Bharath Kumar,
B.A., LL.B. (Hons)
Principal City Civil and Sessions Judge,
Bengaluru.

Misc. No. 114/2026

- Petitioners** : 1. M/s Venkatesha Education Society,
A society registered under
the Mysore Societies Act, 1960.
Having its registered at
Old No.60/61, New No.106/108,
Charles Campbell Road, Cox Town,
Bengaluru – 560 005.
Through its authorized signatory
by Mr. Manjunath D.N.
2. MVJ Medical College And
Research Hospital,
An ISO 9001:2015 certified institution
affiliated with Rajiv Gandhi University
of Health Sciences, Bengaluru
and recognized by the National Medical
Commission, New Delhi.
Having its registered address a:
30th K.M Milestone, N.H-75,
Dandupalya, Kolathur Post,
Hoskote, Bengaluru – 562 114.
Through its authorized signatory
by Mr. Manjunath D.N.

(By Sri Deepak Bhaskar, Advocate)

Vs.

- Respondents** : 1. Dr. Ashish Madan Gowari,
S/o. Madan Ganapat Gowari,
Riddhi Siddhi Residency,
B-1304, Plot No.53/53A,
Sector 3 New Panvel Navy,
Mumbai – 410 206,
Maharashtra.
- (R-1 by Smt. Manjula.M. Potadar,
Advocate)
2. The Arbitral Tribunal,
Arbitration and Conciliation Centre,
Bengaluru (Domestic & International),
'Khanija Bhavana', No.49,
3rd Floor, East Wing,
Race Course Road,
Bengaluru – 560 001.
- Presided by the Ld. Arbitrator
Shri Ashok.L Pujar.
(Retd. District & Sessions Judge)

ORDER

The instant petition is filed under Section 24 of the Code of Civil Procedure, 1908, seeking transfer of A.P. No. 82/2025 pending before CCH-26 to CCH-42, where A.P. No. 61/2025 is pending for disposal in accordance with law.

2. It is stated by the Petitioners that Petitioner No.2, an institution run by Petitioner No.1, admitted Respondent

No.1 to the M.D. (General Medicine) course for the academic period 2017-2020 pursuant to an Agreement dated 27.05.2017. Under the terms of the said Agreement, Respondent No.1 had undertaken to pay the entire course fee in the event of discontinuation of the course before completion. Upon Respondent No.1 discontinuing the course, a sum of Rs.1,59,00,000/- became due and payable towards the balance course fee. Since Respondent No.1 failed to discharge the said liability, the Petitioners invoked the arbitration clause contained in the Agreement. As Respondent No.1 neither consented to the appointment of an Arbitrator nor responded to the notice issued in that regard, the Petitioners were constrained to institute C.M.P. No.529/2021 under Section 11(6) of the Arbitration and Conciliation Act, 1996 before the Hon'ble High Court of Karnataka. By Order dated 2.06.2022, the Hon'ble High Court of Karnataka constituted the Arbitral Tribunal, pursuant to which arbitral proceedings in A.C. No.352/2022 were conducted. Upon adjudication, the learned Arbitrator, by Award dated 28.01.2025, partly allowed the Claim Petition and directed

Respondent No.1 to pay a sum of Rs.21,00,000/- with interest at 9% per annum from the date of presentation of C.M.P. No.529/2021 till realization, while also partly allowing the counterclaim. Aggrieved by the aforesaid Award, Respondent No.1 instituted Arbitration Petition No.61/2025 under Section 34 of the Arbitration and Conciliation Act, 1996 before CCH-42. The Petitioners, being aggrieved by other portions of the very same Award, also preferred Arbitration Petition No.82/2025 under Section 34 of the Act before CCH-26. Since both proceedings arise out of the same Arbitral Award dated 28.01.2025 and involve common questions of fact and law, there exists a likelihood of conflicting findings being rendered by different Courts. The present petition is therefore being filed seeking transfer of A.P. No.82/2025 to the Court where A.P. No.61/2025 is pending, in the interest of justice and to avoid multiplicity of proceedings.

3. After filing of this petition, notice was issued to the Respondent No.1. Pursuant to the same, the Respondent No.1 has appeared through his Counsel and filed objections.

Respondent No.2 being a formal party, issuance of notice to Respondent No.2 was dispensed with.

4. Respondent No.1 has filed his statement of objections contending that an Arbitral Award dated 28.01.2025 was passed in A.C. No.352/2022. Aggrieved by the said award, Respondent No.1 had earlier instituted A.P. No.61/2025 under Section 34 of the Arbitration and Conciliation Act, 1996 before CCH-42. It is contended that despite entering appearance therein, the Petitioners had not filed their objections and instead, subsequently instituted A.P. No.82/2025 challenging the very same award before CCH-26. According to Respondent No.1, maintenance of two separate proceedings arising out of the same award would result in multiplicity of proceedings and abuse of process of law. It is further contended that the present transfer petition has been filed only to delay the adjudication of A.P. No.61/2025. On these grounds, Respondent No.1 seeks dismissal of the subsequent proceedings or in the alternative, transfer of both matters to a common Court for adjudication.

5. Heard the learned Counsel appearing on behalf of the Petitioners and the learned Counsel appearing on behalf of Respondent No.1.

6. Perused the petition, objections and the materials available on record.

7. The Points that arise for my consideration are:

1. Whether the Petitioners have made out valid grounds to allow the petition?
2. What Order?

8. My findings to be above Points are as under:

Point No.1:- In the Affirmative;

Point No.2:- As per final order;
for the following:

REASONS

9. **Point No.1**:The learned Counsel appearing for the Petitioner submits that A.P. No.61/2025 and A.P. No.82/2025 arise out of the same Arbitral Award dated 28.01.2025 passed in A.C. No.352/2022 and involve common questions of fact and law. It is contended that if the two petitions are adjudicated by different Courts, there is a likelihood of

conflicting findings being rendered. Therefore, in the interest of justice and to avoid multiplicity of proceedings, it is prayed that both matters be heard by one and the same Court by transferring A.P. No.82/2025 to the Court where A.P. No.61/2025 is pending.

10. Per contra, the learned Counsel appearing for the Respondent No.1 submits that A.P. No.61/2025 was instituted earlier in point of time and that the Petitioners, after entering appearance therein, subsequently filed A.P. No.82/2025 challenging the very same Award. It is contended that the present transfer petition has been filed only to delay the proceedings in A.P. No.61/2025. However, it is also submitted that maintenance of two separate petitions arising out of the same Award would result in multiplicity of proceedings and therefore, if this Court deems it appropriate, both matters may be tried by a common Court.

11. I have carefully perused the materials available on record. The Petitioners have produced certified copies of the petitions in both the cases. They have also produced the copy

of the Order in CMP No. 529/2021. On perusal of the material available on record, it is not in dispute that both A.P. No.61/2025 pending before CCH-42 and A.P. No.82/2025 pending before CCH-26 have been instituted under Section 34 of the Arbitration and Conciliation Act, 1996 challenging the very same Arbitral Award dated 28.01.2025 passed in A.C. No.352/2022. The certified copies of the Petitions produced by the Petitioners disclose that the subject matter of both proceedings arises out of the same arbitral proceedings and concerns the validity of the same Award.

12. When two proceedings arising out of the same Award are pending before different Courts, there exists a reasonable possibility of conflicting findings being rendered on identical questions of fact and law. Such a situation would not only result in multiplicity of proceedings but may also lead to inconsistent judicial determinations. Therefore, it is desirable that both petitions are heard and decided by one and the same Court.

13. Though Respondent No.1 has contended that A.P. No.61/2025 was instituted earlier in point of time and that

the present petition has been filed only to delay the proceedings therein, the said contention does not outweigh the necessity of having both petitions adjudicated by a common Court. In fact, Respondent No.1 has also contended that continuation of two separate proceedings would result in multiplicity of litigation.

14. The power of transfer under Section 24 of the Code of Civil Procedure is intended to advance the cause of justice and to ensure convenient and effective adjudication of disputes. Having regard to the fact that both Arbitration Petitions challenge the same Award and involve common questions for consideration, this Court is of the opinion that transfer of A.P. No.82/2025 to the Court where A.P. No.61/2025 is pending would serve the ends of justice and avoid duplication of evidence, arguments and judicial effort. Accordingly, this Court finds sufficient grounds to allow the petition. Hence, Point No. 1 is answered in the **Affirmative**.

15. **Point No.2:** In view of the reasons mentioned in Point No.1, I proceed to pass the following:

ORDER

The petition filed by the Petitioners under Section 24 of C.P.C., is hereby allowed.

A.P. No. 82/2025 pending on the file of CCH-26 is ordered to be withdrawn and transferred to CCH-42 where A.P. No. 61/2025 is pending for disposal of the same in accordance with law.

Send a copy of the Order to concerned Courts for information and necessary further action.

(Dictated to the Stenographer Grade-II directly on the computer, typed by her, then corrected and pronounced by me in the Open Court on this the 15th day of June, 2026).

(K.S. Bharath Kumar)
Principal City Civil & Sessions Judge,
Bengaluru.