



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

CIVIL MISC. PETITION NO. 215 OF 2024

BETWEEN:

MR. AZMATH ULLA KHAN
AGED ABOUT 48 YEARS
S/O LATE IBRAHIM KHAN
NO. 17/A, H CROSS ROAD,
BISMILLA NAGAR
BENGALURU 560 029

...PETITIONER

(BY SRI. ABHINAV RAMANAND A., ADVOCATE)

AND:

1. SMT GOWRI V
AGED ABOUT 66 YEAWRS
W/O LATE S K MARIYAPPA
R/AT NO.10, DWARAKA RESIDENCY
10TH MAIN ROAD, HAMPINAGAR
VIJAYANAGAR 2ND STAGE
BENGALURU 560 040



2. SRI. MANOJ KUMAR
AGED ABOUT 46 YEARS
S/O LATE S K MARIYAPPA
R/AT NO.10, DWARAKA RESIDENCY
10TH MAIN ROAD, HAMPINAGAR
VIJAYANAGAR 2ND STAGE
BENGALURU 560 040



3. SMT. PRATHIMA SHEKAR
AGED ABOUT 44 YEARS
D/O LATE S K MARIYAPPA
R/AT NO.10, DWARAKA RESIDENCY
10TH MAIN ROAD, HAMPINAGAR
VIJAYANAGAR 2ND STAGE
BENGALURU 560 040

4. SRI. NAVEEN
AGED ABOUT 40 YEARS
S/O LATE S K MARIYAPPA
R/AT NO.10, DWARAKA RESIDENCY
10TH MAIN ROAD, HAMPINAGAR
VIJAYANAGAR 2ND STAGE
BENGALURU 560 040.

...RESPONDENTS

(BY SRI. SWAROOP S., ADVOCATE)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6) OF ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO APPOINT SOLE ARBITRATOR IN VIEW OF THE ARBITRATION CLAUSE CONTAINED IN THE REGISTERED SALE AGREEMENT DATED 02.07.2022 AT ANNEXURE-A TO THE PRESENT PETITION, TO ADJUDICATE THE MATTERS IN CONTROVERSY BETWEEN THE PARTIES.

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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI



ORAL ORDER

The petitioner filed this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('Act' for short) for appointment of an Arbitrator to resolve the dispute between the parties to the petition in terms of clause 10 of the sale agreement dated 02.07.2022 vide Annexure-A.

2. Brief facts leading rise to the filing of this petition are as follows:

2.1. A registered sale agreement came to be executed between the petitioner and the respondents on 02.07.2022. The petitioner received information that, attempts were being made to alienate the schedule property. Following this, the petitioner issued a notice on 29.01.2024 calling upon the respondents to comply with the terms and conditions of the sale agreement and further suggested for appointment of an Arbitrator as per the registered sale agreement. The petitioner filed an application under Section 9 of the Act in AA No.3/2024 on



the file of learned VI Additional District Judge, Bengaluru Rural District, Bengaluru ('District Court' for short) requesting for interim measures. The District Court passed an ad-interim order on 17.02.2024. There is an arbitration clause in the agreement. The petitioner, invoking the arbitration clause, issued a notice to the respondents. The respondents did not reply to the arbitration notice. Hence, this petition.

3. Learned counsel for the respondents submits no objection to allow the petition and appoint a Sole Arbitrator.

4. Perused the records and considered the submissions of the learned counsel for the parties.

5. The point that would arise for consideration is as follows:

Whether the petitioner has made out a ground to refer the dispute to the Arbitrator in terms of clause 10 of the registered sale agreement dated



02.07.2022 as per the provisions of the Act and the Rules?

6. It is undisputed that, the petitioner and the respondents have entered into a registered sale agreement. The arbitral dispute arose between the parties and the same has to be resolved through arbitration. There is an arbitration clause. The petitioner, by invoking the arbitration clause, issued a notice on 29.01.2024. Thereafter, the petitioner filed an application under Section 9 of the Act in AA No.03/2024 on the file of the District Court. The District Court granted an ad-interim order of injunction.

7. Learned counsel for the respondents submits no objection to allow the petition.

8. In view of the same, the petitioner has made out a ground to refer the dispute to the arbitration. Accordingly, I proceed to pass the following:



ORDER

- i. The petition is ***allowed***;
- ii. ***Sri. R.M.Vaidya***, Retired District Judge, is nominated as the Sole Arbitrator to resolve the dispute between the parties to the petition in terms of clause 10 of the registered sale agreement dated 02.07.2022 as per the provisions of the Act and the Rules;
- iii. The Registry is directed to communicate this order to the learned Arbitrator, and the Director of Arbitration and Conciliation Centre, Bengaluru;
- iv. The Registry is directed to return the originals/certified copies of the documents, if any, after retaining the photocopies of the same;
- v. All the contentions of the parties are kept open;
- v. Pending IA(s), if any, shall stand disposed of accordingly.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

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CT:KHV List No.: 1 Sl No.: 24