



NC: 2025:KHC:41677-DB
COMAP No.352/2022
C/W COMAP No.159/2021
COMAP No.509/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

COMMERCIAL APPEAL NO.352/2022

C/W

COMMERCIAL APPEAL NO.159/2021

COMMERCIAL APPEAL NO.509/2022

IN COMAP No.352/2022:

BETWEEN:

M/S. NITESH RESIDENCY HOTELS PVT. LTD.
OFFICE AT NO.25A
2ND FLOOR, IMPERIAL COURT
CUNNINGHAM ROAD
BENGALURU-560052
REP. BY ITS AUTHORISED SIGNATORY
MR. K.B. SWAMY.

...APPELLANT

Digitally
signed by
RUPA V
Location:
High Court
Of
Karnataka

(BY SRI. UDAYA HOLLA, SR. ADV., FOR
SRI. VIVEK HOLLA, &
SRI. CHANDRASHEKAR S, ADVS.,)

AND:

1. THE ARCHDIOCEASE OF BANGALORE
ARCHBISHOP'S HOUSE
NO.75, MILLER'S ROAD
BENSON TOWN, BENGALURU-560046
REP BY THE ARCHBISHOP OF BANGALORE.
2. HON'BLE JUSTICE R. GURURAJAN
RETIRED JUDGE OF HIGH COURT OF KARNATAKA



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NO.504, SRI. HARI KRUPA
5TH FLOOR, CHITRAPUR APARTMENT
15TH CROSS, MALLESHWARAM
BANGALORE-560003.

...RESPONDENTS

(BY SRI. K.G. RAGHAVAN, SR. ADV., FOR
SRI. NISCHAL DEV, ADV., FOR R1)

THIS COMAP/COMMERCIAL APPEAL IS FILED UNDER SECTION 13(1) OF THE COMMERCIAL COURTS ACT, 2015 R/W SECTION 37(1)(C) OF THE ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO CALL FOR THE RECORDS IN COM.A.P.NO.4/2021 ON THE FILE OF THE COURT OF THE LXXXVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU CITY (CCH NO. 89). SET ASIDE THE ORDER/JUDGMENT DATED 14/07/2022 PASSED IN COM.A.P.NO.4/2021 BY THE COURT OF THE LXXXVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU CITY (CCH NO. 89) (ANNEXURE-A) AND ALLOW THE SUIT COM.A.P.NO.4/2021 ON THE FILE OF THE COURT OF LXXXVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU CITY (CCH NO. 89) UNDER SECTION 34 OF THE ARBITRATION AND CONCILIATION ACT, 1996 AND CONSEQUENTLY SET ASIDE THE ARBITRAL AWARD DATED 07/11/2020 PASSED BY THE ARBITRAL TRIBUNAL IN THE ARBITRATION DISPUTE BETWEEN THE APPELLANT AND THE RESPONDENT (ANNEXURE-B) & ETC.

IN COMAP NO.159/2021:

BETWEEN:

M/S. NITESH RESIDENCY HOTELS PVT. LTD.
OFFICE AT NO.25A
2ND FLOOR, IMPERIAL COURT
CUNNINGHAM ROAD
BENGALURU 560 052
REP. BY ITS AUTHORISED SIGNATORY
MR. M.K. SWAMY.

...APPELLANT

(BY SRI. UDAYA HOLLA, SENIOR COUNSEL FOR
SRI. VIVEK HOLLA, ADV.,)



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AND:

1. THE ARCHDIOCESE OF BANGALORE
ARCHBISHOP'S HOUSE
NO.75 MILLERS ROAD, BENSON TOWN
BENGALURU 560 046
REP. BY THE ARCHBISHOP OF BANGALORE
REV. BERNARD MORAS.
2. HON'BLE JUSTICE R. GURURAJAN
RETIRED JUDGE OF HIGH COURT OF KARNATAKA
NO.504, SRI HARI KRUPA
5TH FLOOR, CHITRAPUR APARTMENT
15TH CROSS, MALLESHWARAM
BANGALORE 560 003.

...RESPONDENTS

(BY SRI. K.G. RAGHAVAN, SENIOR COUNSEL FOR
SRI. NISCHAL DEV, ADV., FOR R1
R2 NOTICE D/W V/O/DTD:22.05.2023)

THIS COMAP/COMMERCIAL APPEAL IS FILED UNDER SECTION 13(1-A) OF THE COMMERCIAL COURT ACT, 2015 R/W SECTION 37 OF THE ARBITRATION AND CONCILIATION ACT, 1996, PRAYING THAT TO CALL FOR THE RECORDS IN COM.A.S.NO.154/2017 ON THE FILE OF THE COURT OF THE LXXXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU CITY (CCH NO. 88). SET ASIDE THE ORDER/JUDGMENT DATED 18/06/2021 PASSED IN COM.A.S.NO. 154/2017 BY THE COURT OF THE LXXXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU CITY (CCH NO. 88) (ANNEXURE-A) AND ALLOW THE SUIT COM.A.S.NO. 154/2017 ON THE FILE OF THE COURT OF LXXXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU CITY (CCH NO. 88) UNDER SECTION 34 OF THE ARBITRATION AND CONCILIATION ACT, 1996 AND SET ASIDE THE ARBITRAL AWARD DATED 02/07/2017 PASSED BY THE ARBITRAL TRIBUNAL IN THE ARBITRATION DISPUTE BETWEEN THE APPELLANT AND THE RESPONDENT & ETC.



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IN COMAP NO.509/2022:

BETWEEN:

J.C. FLOWERS ASSET RECONSTRUCTIONS
PRIVATE LIMITED
ACTING IN ITS CAPACITY AS
TRUSTEE OF JCF YES TRUST
2022-23/15,
HAVING ITS REGISTERED
OFFICE AT: C G HOUSE, 12TH FLOOR
DR. ANNIE BESANT ROAD, WORLI
MUMBAI-400030
REP. BY ITS AUTHORISED SIGNATORY.

(SUBSTITUTED V/C/D.15.10.2025)

...APPELLANT

(BY SRI. VIGNESH SHETTY, ADV.,)

AND:

1. THE ARCHDIOCESE OF BANGALORE
ARCHBISHOP'S HOUSE NO.75
MILLER ROAD, BENSON TOWN
BANGALORE 560046
REP. BY THE ARCHBISHOP OF BANGALORE.

2. NITESH RESIDENCY HOTELS PVT. LTD
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT 1956
HAVING ITS REGISTERED OFFICE AT
NO.251, II FLOOR, IMPERIAL COURT
CUNNINGHAM ROAD, BANGALORE 560052

REP. BY ITS MANAGING DIRECTOR
NITESH SHETTY.

...RESPONDENTS

(BY SRI. NISCHAL DEV, ADV., FOR R1
SRI. S.S. NAGANAND, SENIOR COUNSEL FOR
SMT. SUMANA NAGANAND, ADV., FOR R2)

THIS COMAP/COMMERCIAL APPEAL IS FILED UNDER
SECTION 37 OF THE ARBITRATION AND CONCILIATION ACT,
1996, PRAYING TO SET ASIDE THE ORDERS DATED 14/07/2022
PASSED IN COM. A.P. NO.04/2021, BY THE COURT OF THE



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LXXXVIII ADDI. CITY CIVIL AND SESSIONS JUDGE, (EXCLUSIVE COMMERCIAL COURT), BANGALORE CITY. CONSEQUENTLY SET ASIDE THE AWARD DATED 07/11/2020 PASSED BY THE SOLE ARBITRATOR IN THE ARBITRAL PROCEEDINGS BETWEEN THE FIRST AND SECOND RESPONDENTS TOGETHER WITH COSTS THROUGHOUT. PASS SUCH OTHER ORDERS AS THIS HON'BLE COURT MAY DEEM FIT TO GRANT, IN THE ENDS OF JUSTICE AND EQUITY.

THESE APPEALS, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

We have heard the learned Senior Counsel appearing for the parties as well as the learned counsel appearing for the appellant in COMAP No.509/2022.

2. It is submitted by the learned counsel appearing on all sides that the disputes have been settled between the parties and the memorandum showing the terms of settlement has been placed before this Court.



3. We notice that the terms of settlement pursuant to the mediation report along with an additional terms of settlement between the parties have been placed on record.

4. Learned Senior Counsel appearing on either side submit that the terms of settlement are reduced to writing and are contained in additional terms of settlement, which has been placed on record on 08.10.2025.

5. It is submitted by Sri.S.S.Naganand, learned Senior counsel appearing for respondent No.2 that the terms mentioned in paragraph No.15.4 of the terms of agreement have already been complied with and this is admitted by the learned counsel for the appellant in COMAP No.509/2022.

6. Having considered the contentions advanced and in view of the memorandum of settlement which has been placed on record by the parties, we are of the opinion that these appeals are liable to be disposed of in terms of the memorandum of settlement arrived at between the parties. These appeals are accordingly ***disposed of*** in terms of the



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memorandum of settlement, which shall form part of the judgment of this Court.

The decree shall be drawn up accordingly.

All pending applications are disposed of.

No orders as to costs.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

BSR
List No.: 1 SI No.: 5