HC-KAR
NC: 2026:KHC:55541
CMP No. 306 of 2026
CNR: KAHC010415842026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 306 OF 2026

BETWEEN:

MRS. RASHMI SUBRAMANYA
W.O DR S SUBRAMANYA
AGED ABOUT 61 YEARS
RESIDING AT B-3, 161 SFS 208
YELAHANKA NEW TOWN
BENGALURU-560064.

THROUGH HER GPA HOLDER
DR S SUBRAMANYA
AGED ABOUT 70 YEARS
S/O MR SURYANARAYANA RAO
R/AT B-3, 161 SFS 208
YELAHANKA NEW TOWN
BENGALURU – 560064.

…PETITIONER

(BY SMT. ANISHA A. AATRESH., ADVOCATE)

AND:

SFYGMOS HEALTHCARE PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 2013
HAVING IS REGISTERED OFFICE AT NO. 804
B SECTOR, DOUBLE ROAD
YELAHANKA NEW TOWN
BENGALURU - 560064
THROUGH ITS DIRECTORS

ALSO AT
NO 804 MIG, BBMP KHATA NO 1092/804
MAJOR UNNI KRISHNAN ROAD
2ND STAGE, WARD NO 4, B SECTOR

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HAREKOPPA THIMMANNA GOWDA

YELAHANKA NEW TOWN
BENGALURU – 560064

…RESPONDENT

(RESPONDENT SERVED)

THIS CMP IS FILED UNDER SECTION 11(5) OF ARBITRATION AND CONCILIATION ACT PRAYING TO APPOINT AND NOMINATE HONBLE MR. A.P. MURARI, DISTRICT JUDGE (RETD) OR ANY RETIRED JUDGE OF THIS HONBLE COURT OR ANY OTHER COURT TO BE THE SOLE ARBITRATOR IN TERMS OF CLAUSE 17 OF THE LEASE AGREEMENT DATED 04.12.2019 (AT ANNEXURE B) FOR ADJUDICATION OF DISPUTES THAT HAS ARISEN BETWEEN THE PETITIONER AND THE RESPONDENT AND ETC.

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 petition is filed under Section 11(5) 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 Lease Agreement dated 04.12.2019 particularly in terms of Clause 17 thereof, produced at Annexure-B.

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2. The brief facts of the case are that petitioner is the absolute owner of the property bearing No.804 MIG, BBMP No.1092/804, 2nd Stage, Ward No.4, B-Secator, Major Unni Krishnan Road, Yelahanka, New Town, Bengaluru totally measuring 3555 sqft. The petitioner entered into a Lease Agreement dated 04.12.2019 with the respondent and petitioner received a sum of Rs.40,00,000/- from the respondent towards refundable security deposit and respondent agreed to pay sum of Rs.4,00,000/- towards monthly rentals. Thereafter, the respondent committed default in payment of the monthly rentals. Consequently, disputes arose between the parties in relation to the said Lease Agreement.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Agreement, issued a notice dated 14.05.2026 vide Annexure-L, to the respondent under Section 21 of the Act. The said arbitration clause 17 reads as under:

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"17. ARBITRATION

The FIRST PARTY and SECOND PARTY agree that they shall refer and resolve all disputes solely for resolution by Arbitration, to be conducted by a single arbitrator chosen by the both FIRST PARTY and SECOND PARTY and such arbitration shall be held in Bangalore in accordance with the Indian Arbitration and Reconciliation Act, 1996."

4. The respondent sent a reply dated 02.06.2026 vide Annexure-O to the said notice. Being dissatisfied with the reply, the present petition is filed seeking appointment of a sole Arbitrator.

5. Notice issued by this Court has been duly served upon the respondent. However, there is no representation on behalf of the respondent.

6. Having regard to the existence of the arbitration clause contained in the Agreement, which provides for resolution of disputes arising between the parties, and the

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fact that the petitioner has duly invoked the said arbitration clause by issuing notice under 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 Smt. Justice Rathnakala, 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

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Bhavan, Bengaluru, and also to Hon'ble Mrs. Justice Rathnakala.

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 06.11.2026 at 11:30 a.m.

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(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 17