HC-KAR

NC: 2026:KHC:49938
CMP No. 151 of 2026

CNR: KAHC010230902026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 151 OF 2026

BETWEEN:

SRI MADHUKAR V S
AGED ABOUT 58 YEARS
S/O LATE V SESCHACHALAM
PARTNER OF M/S TEJAS ENGINEERING
OFFICE AT 104, CHANGAMA RAJU GARDEN
GURU RAGHAVENDRA NAGAR
7TH PHASE, BANGALORE-560078.

...PETITIONER

(BY SRI. SUKESH N J, ADVOCATE FOR
SRI. JAYANTHA POOJARY., ADVOCATE)

AND:

1. MR GURUDEV H G
   S/O. GURUSIDDAPPA
   AGED ABOUT 40 YEARS
   PARTNER OF M/S. TEJAS ENGINEERING
   OFFICE AT. NO. 104, CHANGAMA RAJU GARDEN
   GURU RAGHAVENDRA NAGAR
   7TH PHASE, BANGALORE - 560078.

2. MR. BASAVARAJA M C
   S/O. CHANDRAPPA
   AGED ABOUT 35 YEARS
   PARTNER OF, M/S. TEJAS ENGINEERING
   OFFICE AT. NO. 104, CHANGAMA RAJU GARDEN
   GURU RAGHAVENDRA NAGAR
   7TH PHASE, BANGALORE – 560078

...RESPONDENTS

(RESPONDENTS ARE SERVED)

HC-KAR

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THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO APPOINT A SOLE ARBITRATOR TO ADJUDICATE/RESOLVE THE DISPUTES AND DIFFERENCES ARISEN BETWEEN THE PETITIONER AND THE RESPONDENTS IN SO FAR AS THE PARTNERSHIP FIRM M/S TEJAS ENGINEERING AS PER THE CLAUSE MENTIONED IN NO.16 OF PARTNERSHIP DEED DATED 01.10.2023 AT ANNEXURE - A.

THIS PETITION, COMING ON FOR ADMISSIONS, 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(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 petitioner and the respondents under the Partnership Deed dated 01.10.2023, particularly in terms of Clause 16 thereof, produced at Annexure-A.

2. Brief facts of the case are that M/s.Tejas Engineering was constituted as a partnership firm on 10.07.2017 by Mr.Wilfred Bernard Lewis, holding 60% share, and Mrs.Jayanthi Madhukar, holding 40% share. The firm was engaged in the business of cutting tools, machinery parts,

metal fixtures, dies, moulds and allied products. On 04.06.2018, the petitioner was admitted as a partner and Mr.Wilfred Bernard Lewis retired from the firm, pursuant to which, the petitioner and Mrs.Jayanthi Madhukar held 50% share each. Thereafter, on 01.12.2019, respondent No.1 was admitted as a partner and Mrs.Jayanthi Madhukar retired, resulting in the petitioner and respondent No.1 holding 50% share each. Subsequently, on 01.10.2023, respondent No.2 was admitted as a partner with a 15% share and a fresh Partnership Deed was executed. Accordingly, the petitioner and respondent No.1 held 42.5% share each, while Respondent No.2 held 15% share. Thereafter, serious misunderstandings and loss of mutual trust arose between the partners, resulting in disputes and the firm suffering losses.

3. The Partnership Deed contains an arbitration clause, namely, Clause 16, which reads as under:

"16. DISPUTE:

Any dispute arising among the partners first preference has to be given to solve among themselves, if the issue is not solved then, shall be referred to arbitration. Each disputing party may appoint one or different arbitrators and the decision of the arbitrator/s shall be final and binding on the partners"

4. Since disputes arose between the parties and there is a mechanism for redressal of such disputes by way of arbitration, the petitioner issued a notice dated 29.01.2026, vide Annexure-F, to the respondent in terms of Section 21 of the Act, invoking the arbitration clause. Despite service of the said notice, the respondent did not furnish any response. Hence, the petitioner has filed the present petition.

5. Notice issued by this Court has been duly served upon the respondent. Despite service of notice, none appears on behalf of the respondent.

6. In view of the above, and having regard to the existence of the arbitration clause contained in the said Partnership Deed, this Court is of the opinion that a Sole Arbitrator is required to be appointed for adjudication of the disputes between the parties. Accordingly, the following:

ORDER

a) Civil Miscellaneous Petition is **allowed**.

b) Sri H.C.Sham Prasad, Retired District Judge 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 kept 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 the learned Sole Arbitrator.

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 08.10.2026 at 11:30 a.m.

(H.T. NARENDRA PRASAD)
JUDGE

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LIST NO.: 1 SL NO.: 22