



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

COMMERCIAL APPEAL NO. 259 OF 2025

C/W

COMMERCIAL APPEAL NO. 348 OF 2025

IN COMAP No. 259/2025

BETWEEN:

1. M/S. G.K. SHELTERS PVT LTD.,
A COMPANY INCORPORATED UNDER
INDIAN COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT
NO.27, 9TH MAIN ROAD
JAYANAGAR 3RD BLOCK
BANGALORE - 560 011
REPRESENTED BY ITS C.E.O.
MR. K.N. GOUTHAM NAIDU
SON OF MR. N. NARASIMHALU NAIDU
AGED ABOUT 33 YEARS

...APPELLANT

(BY SRI K.V. SHYAMAPRASADA, ADVOCATE)

AND:

1. MR. C G CHANNA KESHAVA
S/O LATE C. GIRIRAJA GOWDA
AGED ABOUT 75 YEARS





2. SMT. VASANTHI KESHA
WIFE OF C.G. CHANNAKESHA
AGED ABOUT 61 YEARS

3. SRI CHETHAN C.
SON OF C.G. CHANNAKESHA
AGED ABOUT 41 YEARS

4. SRI ROSHAN C
SON OF C.G. CHANNAKESHA
AGED ABOUT 39 YEARS

RESPONDENTS NOS.1 TO 4 ARE
RESIDING AT PLOT NO. 889
1ST BLOCK, 1ST CROSS
RAMAKRISHNA NAGAR
MYSORE - 570 022

5. SRI C.G. CHINNA SWAMY
S/O LATE C. GIRIRAJA GOWDA
AGED ABOUT 73 YEARS

6. SMT. INDUMATI
WIFE OF C.G. CHINNASWAMY
AGED ABOUT 64 YEAR

7. SMT. VINAYA CHINNASWAMY
DAUGHTER OF C.G. CHINNASWAMY
AGED ABOUT 40 YEARS

8. SMT. SOUMYA CHINNASWAMY
DAUGHTER OF C.G. CHINNASWAMY
AGED ABOUT 28 YEARS

RESPONDENTS NOS. 5 TO 8 ARE
RESIDING AT NO. 705, HMT LAYOUT
V.B. NAGAR, R.T. NAGAR POST
BANGALORE - 560 032



9. SRI C.G. PURUSHOTHAM
S/O LATE C. GIRIRAJA GOWDA
AGED ABOUT 71 YEARS
10. SMT. USHA P
WIFE OF C.G. PURSHOTHAM
AGED ABOUT 61 YEARS
11. SRI NITHIN PURUSHOTHAM
SON OF C.G. PURSHOTHAM
AGED ABOUT 39 YEARS
12. SMT. POOJITHA
DAUGHTER OF C.G. PURSHOTHAM
AGED ABOUT 27 YEARS

RESPONDENTS NOS. 9 TO 12 ARE
RESIDING AT NO. 146
6TH MAIN, 3RD STAGE
GOKULAM
MYSORE - 570 002

13. SMT. SWARAJYA LAKSHMI
D/O LATE C. GIRIRAJA GOWDA
AGED ABOUT 63 YEARS
RESIDING AT BHUVANA NURSING HOME
SUNDAR NAGAR, GOKUL EXTENSION
BANGALORE - 560 054.

...RESPONDENTS

(BY SRI S. SRIRANGA, SENIOR ADVOCATE FOR
SMT. SUMANA NAGANAND, ADVOCATE FOR C/R-4)

THIS COMMERCIAL APPEAL IS FILED UNDER SECTION 13
(1-A) OF THE ARBITRATION AND CONCILIATION ACT, PRAYING TO
SET ASIDE THE JUDGMENT AND DECREE DATED 10.01.2025
PASSED IN COMMERCIAL A.A.NO.5/2024 BY THE XI ADDITIONAL



DISTRICT JUDGE AND SESSIONS JUDGE (DEDICATED COMMERCIAL COURT), BENGALURU RURAL DISTRICT, BENGALURU AT ANNEXURE 'A' AND DECREE THE SUIT & ETC.

IN COMAP NO. 348/2025

BETWEEN:

1. MR. C.G. CHANNAKESHA
S/O LATE GIRIRAJEGOWDA
AGED ABOUT 73 YEARS
2. MRS. VASANTHI KESHA
W/O C.G. CHANNAKESHA
AGED ABOUT 60 YEARS
3. MR. CHETHAN C
S/O C.G. CHANNAKESHA
AGED ABOUT 39 YEARS,
4. MR. ROSHAN C
S/O C.G. CHANNAKESHA
AGED ABOUT 37 YEARS

APPLICANT/APPELLANT NOS. 1 TO 4
ARE RESIDING AT
PLOT NO. 889, 1ST BLOCK, 1ST CROSS
RAMAKRISHNA NAGAR
MYSORE - 570 022.

5. MR. C.G. CHINNA SWAMY
S/O LATE. GIRIRAJEGOWDA
AGED ABOUT 71 YEARS
6. MRS. INDUMATI
W/O C.G. CHINNASWAMY
AGED ABOUT 62 YEARS



7. MRS. VINAYA CHINNASWAMY
D/O C.G CHINNASWAMY
AGED ABOUT 38 YEARS

8. SMT. SOUMYA CHINNASWAMY
D/O C.G CHINNASWAMY
AGED ABOUT 36 YEARS
REP. BY HER GPA HOLDER (FATHER)
SRI C.G. CHINNASWAMY
S/O. LATE GIRIRAJEGOWDA

APPLICANT/APPELLANT NOS. 5 TO 8
ARE RESIDING AT NO. 705
HMT LAYOUT, V.B. NAGAR
R.T NAGAR, BENGALURU - 560 032

9. MR. C.G PURUSHOTHAM
S/O LATE. GIRIRAJEGOWDA
AGED ABOUT 69 YEARS

10. MRS. USHA P
W/O MR. C.G PURUSHOTHAM
AGED ABOUT 59 YEARS

11. MR. NITHIN PURUSTHOTHAM
S/O MR. C.G PURUSHOTHAM
AGED ABOUT 37 YEARS

12. MRS. POOJITHA PURUSTHOTHAM
D/O MR. C.G PURUSHOTHAM
AGED ABOUT 35 YEARS

13. MRS. SWARAJYA LAKSHMI
D/O LATE. GIRIRAJEGOWDA
AGED ABOUT 61 YEARS
RESIDING AT BHUVANA NURSING HOME
SUNDAR NAGAR, GOKUL EXTENSION
BANGALORE.



...APPELLANTS

(BY SRI S. SRIRANGA, SENIOR ADVOCATE FOR
SMT. SUMANA NAGANAND, ADVOCATE)

AND:

1. M/S. G.K. SHELTERS PRIVATE LIMITED
A PRIVATE LIMITED COMPANY
INCORPORATED UNDER
THE COMPANIES ACT 1956,
HAVING ITS OFFICE AT NO. 27
9TH MAIN ROAD, JAYANAGAR 3RD BLOCK
BANGALORE - 560 011
REPRESENTED BY C.E.O
MR. K.N. GOUTHAM NAIDU
S/O. MR. N. NARASIMHA NAIDU
AGED ABOUT 33 YEARS

...RESPONDENT

(BY SRI K.V. SHYAMAPRASADA, ADVOCATE)

THIS COMMERCIAL APPEAL IS FILED UNDER SECTION 13 (1A) OF THE COMMERCIAL COURTS ACT, 2015 READ WITH SECTION 37 (1) (b) OF THE ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO SET-ASIDE THE FINAL ORDER DATED 28.03.2025 IN COM.A.A.NO.2/2025 ON THE FILE OF XI ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL, BENGALURU (COMMERCIAL COURT) AND ALLOW THE ARBITRATION APPLICATION UNDER SECTION 9 OF THE ARBITRATION AND CONCILIATION ACT, 1996 R/W RULE 9 OF HIGH COURT OF KARNATAKA ARBITRATION (PROCEEDINGS BEFORE COURTS) RULES 2001 SEEKING AN INTERIM RELIEF AGAINST THE RESPONDENT IN RESPECT OF THE APPLICATION SCHEDULE PROPERTIES & ETC.



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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. For the reasons stated in the affidavit accompanying the application—I.A.No.1/2025, the same is allowed. The delay of 10 days in filing COMAP No.259/2025 is condoned.

2. The learned counsel for the parties in both the appeals have filed applications for appointment of an Arbitrator being CMP No.505/2024 and CMP No.755/2025.

3. It does appear at this stage that the appellant in COMAP No.259/2025 has not pursued his application for constitution of arbitral proceedings although more than two years have been lapsed since his application filed under Section 9 of the Arbitration and Conciliation Act, 1996 [**A&C Act**] read with Order VII Rule 1 read with Section 26 of Code of Civil Procedure, 1908, was disposed of by the impugned order.



4. The parties are at liberty to request the Court for an early disposal of the said applications for appointment of an Arbitrator.

5. The learned counsel for the parties further agree that in the event the applications are allowed and the Arbitral Tribunal is constituted, the parties would be at liberty to file an application under Section 17 of the A&C Act. The said applications if filed, would be considered by the Arbitral Tribunal uninfluenced by the impugned order.

6. In view of the aforesaid consensus between the parties, the present appeals are disposed of.

7. Pending applications stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**