

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****ORDINARY ORIGINAL CIVIL JURISDICTION****SUMMONS FOR JUDGMENT NO.45 OF 2016  
IN  
SUMMARY SUIT NO.614 OF 2015**

M/s.Torrecid India Pvt. Ltd. ....Plaintiffs

V/s.

M/s.Western India Ceramics Pvt. Ltd. ....Defendants

----

Mr.Vinit J.Mehta i/by Mr.Satyan S.Israni for plaintiffs.

Mr.Darshan R.Mehta i/by M/s.Dhruve Liladhar & Co. for defendants.

----

**CORAM : K.R.SHRIRAM,J**

**DATE : 24.10.2016**

**P.C.:-**

1 Mr.Vinit Mehta appearing for the plaintiffs in all fairness states that in the last sentence of paragraph-10 of the plaint a statement is made “.....Therefore, the plaintiff submit that with the leave granted under clause 12 of the letters patent, this Hon'ble Court has jurisdiction to entertain and try this suit.” The counsel states that due to oversight, leave under clause-12 was not obtained. He also states that this Court therefore will not have jurisdiction and prays for return of the plaint to be filed in the appropriate forum. Mr.Mehta for the defendants has no objection.

2 In view thereof, registry to return the plaint along with

summons for judgment to the plaintiffs to be filed in the appropriate forum as advised.

3           The counsel for the plaintiffs states that District Court, Commercial Court at Vadodara, State of Gujarat, will have jurisdiction to try the suit. The counsel requests for plaint and summons for judgment be returned to be presented in the said Court. The counsel also prays that necessary directions under order 7 Rule 10A of the Code of Civil Procedure 1908 be passed. The counsel requests that this Court may fix a date for the appearance of the parties in the said court so that it shall not be necessary for the said court to serve the defendants with a summons for appearance in the court. Mr.Mehta has no objection.

4           Therefore, the parties shall appear before the said Court on 16.12.2016.

**(K.R.SHRIRAM,J)**