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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1640 OF 2015
IN
SUIT NO. 3443 OF 2004**

Sabmiller India Limited ...Plaintiffs
Versus
Mohan Rocky Spring Water Breweries Limited ...Defendants

Mr. Ashutosh Kane, with Mr. Nikhil Sharma, i/b M/s. W.S. Kane & Co., for the Plaintiffs.
None for the Defendants.

**CORAM: G.S. PATEL, J
DATED: 5th December 2016**

PC:-

1. The Notice of Motion seeks to challenge the territorial jurisdiction of this Court and this is obvious from the frame of prayer clause (a) read with paragraph 5 of the Affidavit in Support. The Defendants contend that without leave being granted under Clause XIV of the Letters Patent, this Court will not have jurisdiction.

2. This is not and cannot be a preliminary issue under Section 9A of the Code of Civil Procedure, 1908 simply because the Plaintiffs substantive Notice of Motion for interim relief, being

Notice of Motion No. 3480 of 2004, was disposed of on 5th April 2006. The question of jurisdiction will thus survive to the final disposal of the Suit.

3. None appears for the Defendants. The Notice of Motion is dismissed. There will be no order as to costs.

(G. S. PATEL, J.)