

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**LEAVE PETITION NO. 155 OF 2017
IN
SUIT (L) NO. 173 OF 2017**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. Ram Apte, Senior Counsel i/by. Y. S. Palve for Petitioner.

Ms. Aneesa Cheema i/by. Mahima Sinha for Defendant Nos.2 and 3.

CORAM : K. K. TATED, J.

DATE : NOVEMBER 16, 2017

P.C.:

. Heard learned Senior Counsel Mr. Ram Apte for Petitioner/Plaintiff and learned Counsel Ms. Aneesa Cheema for Respondent/Defendant Nos. 2 and 3.

2. The learned Senior Counsel for Petitioner submits that they have already served Respondent No.1 and Affidavit of service to that effect filed. Statement is accepted. In spite of service of service no one appeared on behalf of them.

3. The learned Senior Counsel for Petitioner submits that they have preferred the

present Leave Petition under clause XIV of the Letters Patent in view of the objection raised by the Registry on 16th March, 2017. He submits that now they have decided that in view of Section 19 of the Code of Civil Procedure, leave is not required under clause XIV of the Letters Patent. To that effect, Petitioner has filed Affidavit dated 15th November, 2017 duly affirmed by Amin Vazir Rozani being authorized signatory of the Petitioner. Same is taken on record.

4. In his Affidavit in Para Nos. 2,3 and 4 Petitioner has specifically stated that in view of Section 19 of the Code of Civil Procedure, 1908 and as the entire cause of action arose within the jurisdiction of this Court, they may be permitted to proceed with the Suit directing Registry to register the same without insisting leave under clause XIV of the Letters Patent.

5. Considering the submission made by the learned Senior Counsel for Petitioner and submission made by the Petitioner in Para Nos. 2,3 and 4 of the Affidavit dated 15th November, 2017, there is no question of entertaining the present Petition filed by the Petitioner under clause XIV of the Letters Patent.

6. The objection raised by the learned Counsel Ms. Cheema appearing on behalf of Respondent about jurisdiction can be considered

on its own merits at the time of hearing of the suit.
Hence, the following order.

ORDER

- (A) Registry is directed to register the Suit and place the same for hearing on its own merits.
- (B) All contention of Defendants about jurisdiction is kept open.
- (C) Leave Petition stands disposed of accordingly.

(K.K.TATED, J.)