

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

**LEAVE PETITION NO.269 OF 2017
IN
COMMERCIAL SUIT (L) NO.482 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.Vishal Kanade with Ms.Dianwita Ghosh i/b
M/s.Mahernosh Humranwala for the plaintiff

CORAM : K. K. TATED, J.

DATE : SEPTEMBER 8, 2017

P.C.:

1. Heard the learned counsel for the petitioner.
2. This petition is preferred by plaintiff under Clause XII of the Letters Patent for leave to file the Commercial suit in this Hon'ble Court. He submits that agreement for contract dated 26.2.2013 was entered at Mumbai. He submits that as per the contract, the defendant has to make the payment at Mumbai. He submits that defendant is carrying on business at Bangalore also. Hence, they preferred the present petition.
3. The learned counsel for the petitioner relies on paragraph 17 of the plaint in support of this case for leave under clause XII of the Letters

Patent.

4. Considering the submissions made by the learned counsel for the petitioner, agreement for contract dated 26.2.2013 and the averments made in paragraph 17 of the plaint, I am satisfied that the petitioner has made out a case for allowing the Leave Petition. Hence, following order is passed:

(A) Leave Petition is allowed in terms of prayer clause (a) which reads thus:

“(a) Leave may be granted to the petitioner under clause XII of the Letters Patent maintain the above Summary Suit against the Respondent in this Hon'ble Court.”

(B) Leave Petition is disposed of accordingly.

(K.K.TATED, J.)