

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

**LEAVE PETITION NO. 319 OF 2017
IN
COMMERCIAL SUIT (L) NO. 661 OF 2017**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
--	---------------------------

Ms. Kirtida Chandarana a/w Ms. Taruna Jaiswal
I/by. Mahernosh J. Humranwala for
Petitioner/Plaintiff.

**CORAM : K. K. TATED, J.
DATE : NOVEMBER 29, 2017**

P.C.:

1. Heard learned Counsel Ms. Kirtida Chandarana for Petitioner/Plaintiff.

2. By this Leave Petition under Clause XII of the Letters Patent Petitioner is seeking leave to to file Commercial Summary Suit in this Court.

3. The learned Counsel for Petitioner/Plaintiff submits that they have filed the present suit for recovery of the sum of Rs. 67,98,558/- with interest towards the goods sold and delivered.

4. The learned Counsel for Petitioner submits that order was placed at Mumbai, part payment was made at Mumbai. She further

submits that as per terms and conditions of the sale, this Court has jurisdiction to entertain the present suit. She submits that goods were supplied beyond the jurisdiction of this Court and Defendant has registered office at Kanpur (Uttar Pradesh). Hence, they have preferred this Leave Petition under Clause XII of the Letters Patent. In support of this contentions, she relies on para 21 of the Plaint.

5. Considering the submissions made by the learned Counsel for Petitioner and para 21 of the Plaint, I am satisfied that Petitioner has made out the case for allowing this Petition. Hence, the following order.

ORDER

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

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

(B) Petition stands disposed of accordingly.

(K.K.TATED, J.)