

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 372 OF 2016
IN
SUIT (L) NO. 1375 OF 2015**

Bengal Mill Stores Pvt Ltd	...Petitioner
<i>Versus</i>	
Vijaya Bank	...Respondent

Mr Rafeeq Peermohideen, i/b Sapana Rachure, for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 27th February 2017**

PC:-

1. The format of the Petition is incorrect and will be corrected to include the name of the proposed Defendant as a Respondent to the Leave Petition.

2. The Petitioner is right in contending that the Registry is wrong in contending that leave under Clause XII is required. The Defendant has its office in Mumbai. Clause XII of the Letters Patent is clear. It says that no leave is necessary if the Defendant at the time of commencement of the Suit dwells or carries on business or personally works for gain within such limits. The only circumstance in which leave is necessary is where a part of the cause of action has

arisen outside the jurisdiction of the Court for a suit other than one relating to land.

3. This Court in what is described as its natural or inherent jurisdiction can entertain this suit.

4. No leave is necessary. The suit is within jurisdiction. The Leave Petition is infructuous and is disposed of as such.

(G. S. PATEL, J.)