

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 354 OF 2018**

Atlanta Limited	...Petitioner
<i>Versus</i>	
Metso (India) Private Limited	...Respondent

Ms Aparna Deokar, i/b MP Vashi & Associates, for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 1st November 2018**

PC:-

1. The Petition is for leave under Clause XII of the Letters Patent. The proposed Suit is for specific performance of a contract, which is in the form of two purchase orders dated 2nd December 2017. Ms Deokar points out that the purchase orders contain a clause conferring jurisdiction on the Courts of Mumbai alone. That alone is insufficient. The law is well settled. Parties cannot, by agreement, confer jurisdiction on a Court that does not otherwise have it. At the very least it would have to be shown that a part of the cause of action has arisen within the jurisdiction of this Court. It turns out that the Plaintiff issued the work order from Mumbai on the Defendant in Gurgaon. This was accepted by the Defendant in Gurgaon. The project was to be first completed in Gujarat and the machinery was then to be diverted to Nagpur.

2. The only averment in the Clause XII Petition as also in paragraph 39 of the Plaint, is that the purchase orders have a clause conferring jurisdiction on the Courts of Mumbai alone.

3. As I have noted, the settled law is clear and this will not operate to confer jurisdiction on this Court.

4. Leave is refused. The Plaint is returned under Rule 283 of the Bombay High Court Original Side Rules for presentation to the proper Court.

(G. S. PATEL, J)