

Sharayu Khot.

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

LEAVE PETITION NO. 141 OF 2019

IN

COMMERCIAL SUIT (L) NO. 271 OF 2019

AL Kabeer Exports Private Limited

**...Petitioner/
Plaintiff**

Versus

**Ahmed Khalifa also known as Akhmed Khalifa
& Anr**

**...Respondents/
Defendants**

Aheesa Cheema, a/w Mithila Damle, for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 7 October 2019

ORDER :

1. This Petition is for leave under Clause XII of the Letters Patent. The proposed Suit is for damages on account of fraud having been committed by the Defendants upon the Plaintiff. The proposed Suit is also for payment of certain sum by way of consideration payable for supply of the product by the Plaintiff. The Plaintiff has its registered office in Mumbai. The product in respect of which the

present dispute has arisen was supplied by the Plaintiff from Mumbai. The export documents were handled/negotiated by the Plaintiff's bank in Mumbai. The shipments were dispatched by the Plaintiff to Defendants from Nhava Sheva Port in Mumbai in respect of the product supplied by the Plaintiff to the Defendants. The correspondence has also been exchanged between the parties from the Plaintiff's office in Mumbai.

2. However, the Defendant No. 1 resides in Egypt and Defendant No. 2 is incorporated outside India in Egypt.

3. I am satisfied that the material part of cause of action having arisen within the jurisdiction of this Court. Accordingly, leave is granted under Clause XII of the Letters Patent. This Court will have jurisdiction to entertain and try the Suit.

4. Leave granted. The Petition is made absolute.

[R.I. CHAGLA J.]