

Sharayu Khot.

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

LEAVE PETITION NO. 113 OF 2019

IN

COMMERCIAL SUMMARY SUIT (L) NO. 654 OF 2019

IL&FS Financial Services Limited

...Petitioner

Versus

Gujarat-Dwarka Portwest Limited & Ors.

...Respondents

Mr. Ranjeev Carvalho, with Ms. Dhruti Doctor, i/by M/s. Manilal Kher Ambalal & Co., for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 19 June 2019

ORDER :

1. Heard the learned Counsel for the Petitioner. The Petitioner has sought leave under Clause XII of the Letters Patent to institute the Commercial Summary Suit in this Court against the Respondents.

2. The learned Counsel for the Petitioner states that the amounts under the facility were disbursed by the Petitioner to the Respondents from Mumbai and received by the Respondents at Mumbai. The material cause of action has arisen at Mumbai. As the Respondents are situated in Mumbai and Ahmedabad respectively and the facility documents were executed at New Delhi under which they failed to pay to the Petitioner, leave under Clause XII has been sought.

3. Considering the Petition and in particular paragraph 4 of the Petition, I considered it fit to grant leave under Clause XII of the Letters Patent and make the Petition absolute in terms of prayer clause (a).

4. Petition is accordingly disposed of.

[R.I. CHAGLA J.]