

Sharayu Khot.

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

LEAVE PETITION NO. 145 OF 2019

M/s. Bhimrajka Realty LLP

...Petitioner

Versus

M/s. D.S. Kulkarni & Co. & Ors.

...Respondents

Mr. P.C. Kansara, for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 9 September 2019

ORDER :

1. This Petition is under Clause XII of the Letters Patent. The proposed Suit is for a monetary decree payable under the loan which was advanced by the Plaintiff in Mumbai. The Defendants agreed to repay the loan amount in Mumbai. However, the Defendants have their registered office at Pune.

2. I am satisfied that the material part of cause of action has arising within the territorial 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.

3. Leave granted. The Petition is made absolute.

4. The learned Counsel for the Plaintiff seeks permission to amend the Plaint, as in the jurisdiction clause 6, it is mentioned that the entire cause of action is arisen in Mumbai.

5. Considering that this Petition for leave under clause XII of the Letters Patent had been taken out and had been granted, it would be appropriate to grant permission to the Plaintiff to amend clause 6 of the Plaint.

6. The Plaintiff shall carry out amendment within a period of two weeks from the date of this order, considering that the Suit is required to be filed, as leave under clause XII of the Letters Patent has been granted.

[R.I. CHAGLA J.]