

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

LEAVE PETITION NO. 149 OF 2019

IN

SUIT (L) NO. 947 OF 2019

Farzan J. Aibara & Anr.	...	Petitioners/Plaintiffs
Versus		
Rashna Shamez Ladhani	...	Respondent/Defendant

Ms. Veena Khatri for the Petitioners/Plaintiffs.

CORAM : R.I. CHAGLA, J.

DATED : 13th SEPTEMBER, 2019.

P.C. :

1 This Petition is for leave under Clause XII of the Letters Patent.

2 The proposed Suit is for declaration that the shares set out in Exhibits A and B to the Plaint belongs to the Plaintiffs and the Defendant jointly in one third share each and a prayer for ordering the Defendant to handover the two-third share of the Plaintiffs (i.e. one third share each) out of the shares at Exhibit A to the Plaint. Further declaration has been sought that the shares sold by the Defendant as per Exhibit B to the Plaint form part of the Defendant's one-third share in the estate of the Plaintiffs' and Defendant's deceased father. The shares as per Exhibit A to the plaint

are held in the Demat Account with ICICI Bank Ltd. located at Andheri, Mumbai. However, the Defendant is residing in United Kingdom. Considering that the relief which is being sought in respect of shares held in the Demat account with ICICI Bank which is situated in Mumbai, within the territorial limits of this Court, I am satisfied that a material part of the cause of action has arisen in Mumbai. With leave granted under Clause XII of Letters Patent, this Court will have jurisdiction to entertain, try and dispose of the Suit.

3 Leave granted. Petition made absolute.

(R.I. CHAGLA, J.)