

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

**LEAVE PETITION NO. 449 OF 2019
IN
COMM. SUMMARY SUIT (L) NO. 1286 OF 2019**

National Commodity Clearing Ltd. (NCCL). ... Petitioner.

V/s.

Kunjai Trade Commodities LLP & Ors.Respondents.

Mr. Arnav Mishra with Mr. Harshavardhan Melanta i/b K. Ashar & Co., Advocate for Petitioner.

CORAM : G.S. KULKARNI, J.

DATE : 18th DECEMBER, 2019

P. C.

This is a petition for leave under Clause XII of the Letters Patent. Suit against Respondent/Defendant is for a money decree for an amount Rs. 15,52,06,977.38 payable to Petitioner/Plaintiff by the Defendant on the ground that Respondent/Defendants have not maintained the margin money, fees, security deposits, charges, etc, in terms of the membership and bye laws.

2. The Defendants are situated at Indore, Madhya Pradesh. Defendant Nos. 2 and 3 are partners of Defendant No.1, which is member of the Petitioner/Plaintiff. Under the bye laws of the Petitioner/Plaintiff binding on Respondent/Defendant, the parties have agreed to confer exclusive jurisdiction on the Courts at Mumbai for the determination of the disputes between the parties.

3. I have perused the averments made in the plaint and in the leave petition. In my opinion, material part of the cause of action has occurred within the jurisdiction of this Court and with the leave of the

court under in Clause XII of the Letters Patent, this court would have jurisdiction to try and entertain the suit.

4. Leave is granted. Petition is accordingly allowed.

[G.S. KULKARNI, J.]