

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 450 OF 2019**

IN

COMM. SUMMARY SUIT (L) NO. 1290 OF 2019

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

V/s.

Dita Comtrade Ltd.Respondent

Mr. Arnav Mishtra 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.9,81,24,358.59 payable to Petitioner/Plaintiff by the Defendant on the ground that Respondent/Defendant has not maintained the margin money, fees, security deposits, charges, etc, in terms of the membership and bye laws.

2. The Defendant is situated at Delhi. 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.]