

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
LEAVE PETITION NO.14 OF 2020
IN
COMMERCIAL SUIT (L.) NO.49 OF 2020**

Matchbox Shots LLP	..Petitioner
In the matter between	
Matchbox Shots LLP	..Plaintiff
V/s.	
Naughty Step Films Ltd. & Anr.	..Defendants

Mr.Rashmin Khandekar with Mr.Arjun Thomas i/b. Naik Naik & Co. for
Petitioner/Plaintiff.

CORAM : G.S. KULKARNI, J.

DATE : 22nd JANUARY, 2020

PC.:

This is a petition seeking leave under Clause XII of the Letters Patent. The suit in question is filed on a cause of action, that the suit emails addressed by defendant No.1 to the petitioner/plaintiff are defamatory in nature. Prayers are made in the plaint inter-alia for a permanent injunction in regard to the said e-mails and for damages. The averments as made in the leave petition and the relevant averments as made in the plaint state that under the agreement in question titled as "Production Service Agreement" dated 30 May 2019 as entered between the petitioner and defendant No.1, the parties under Clause 12 have agreed that they shall be governed by the laws of India and the Courts of India shall have jurisdiction. The petitioner has stated that the petitioner has its registered office at Mumbai and the defamatory e-mails addressed by defendant No.1 were forwarded to the petitioner and received by the petitioner at its registered office at Mumbai.

2. The petitioner contends that considering clause 16 of the said agreement, material part of cause of action has arisen within the territorial

jurisdiction of this Court, however, as the respondents are situated outside the jurisdiction of this Court, it would be necessary for the petitioner to seek leave under Clause XII of the Letters Patent.

3. Having heard Mr.Khandekar, learned Counsel for the petitioner, having perused the necessary averments as made in the leave petition and the plaint, as noted above, in my opinion, material part of the cause of action has arisen within the jurisdiction of this Court and with the leave of the Court being granted under Clause XII of the Letters Patent, this Court would have jurisdiction to try and entertain this suit.

4. Leave granted. The petition is accordingly allowed.

[G.S. KULKARNI, J.]