

psv

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

LEAVE PETITION NO.20 OF 2020

IN

SUIT (L.) NO.1016 OF 2019

Nikita Rajen Badheka & Anr.

..Petitioners/Plaintiffs

Versus

Dipti Praful Joshi Dave & Ors.

..Respondents/Defendants

Ms.Nisha Shah i/b. Mr.Kalpesh Joshi Associates for Petitioners/Plaintiffs.

CORAM : G.S. KULKARNI, J.

DATE : 30th JANUARY, 2020

PC.:

Heard learned Counsel for the petitioners/plaintiffs. The petitioners are the executors named under the Will of late Mr.Balabhadra Chunilal Joshi (deceased father) and also Will of Mrs.Jayamangala Balabhadra Joshi (deceased mother) who expired on 16 May 2013 and 20 June 2019 respectively leaving behind their individual will, both dated 29 June 2008, as their last Will and Testament. The suit is filed for the administration of the estate of the said deceased parents of the petitioners/plaintiffs till the probate is obtained in respect of the Will of the deceased parents.

2. Defendant Nos.1 to 3 are also the heirs and legal representatives of the deceased parents. It is stated that defendant No.1-Dipti Praful Joshi Dave and defendant No.3-Dr. Utkarsh Joshi are U.S. citizens and hence this petition is filed seeking leave under Clause XII of the Letters Patent. It is stated that the petitioners as also the other defendants are

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residents of Mumbai and are having their addresses at Mumbai. The movable and immovable properties of the deceased are also at Mumbai.

3. Having perused the relevant averments as made in the plaint as also the averments in the leave petition, I am of the opinion that material part of cause of action has arisen at Mumbai within the jurisdiction of this Court and with the leave of this 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.]