

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO.33 OF 2020
IN
COMMERCIAL SUMMARY SUIT (L.) NO.131 OF 2020**

SKS Power Generation (Chhattisgarh) Ltd. ..Petitioner
Versus
Canara Bank ..Respondent

Ms.Poorva Garg i/b. M/s.Mulla & Mulla & Craigie Blunt & Caroe for Petitioner.

CORAM : G.S. KULKARNI, J.
DATE : 18th FEBRUARY, 2020

PC.:

1. This is a petition seeking leave under Clause XII of the Letters Patent. The above summary suit is filed for a decree against the defendant-Canara Bank through its branch office at 26, Nadhi Koli Street, Teppakulam Tiruchirappalli – 620 002. The decree is prayed for an amount of Rs.1,21,65,00,000/- together with interest on the said sum as prayed for which is stated to be an amount receivable to the petitioner/plaintiff under the suit bank guarantees. This petition has been filed as the respondent is having address at Teppakulam, Tiruchirappalli. On a perusal of clauses 11 and 12 of the bank guarantees, it is clear that the parties have agreed that exclusive jurisdiction would be the Courts at Mumbai.

2. Having perused the relevant paragraphs in the plaint and also having perused the clauses of the bank guarantees, it is seen that material part of the 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.

3. Leave granted. The petition is accordingly allowed.

[G.S. KULKARNI, J.]