

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
LEAVE PETITION NO.35 OF 2020  
IN  
COMMERCIAL SUMMARY SUIT (L.) NO.133 OF 2020

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

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

**CORAM : G.S. KULKARNI, J.**  
**DATE : 18<sup>th</sup> FEBRUARY, 2020**

P.C.:

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-Indian Bank through its Chief Manager having his office at Trichy Cantonment Branch, Nagar Arcade, No.5, Williams Road, Cantonment, Tiruchirappalli – 620 001. The decree is prayed for an amount of Rs.57,30,00,000/- together with interest as prayed for which is stated to be an amount receivable to the petitioner/plaintiff under the suit bank guarantee. This petition has been filed as the respondent is having address at Cantonment, Tiruchirappalli. On a perusal of clause 12 of the bank guarantee, 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 clause of the bank guarantee, 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.]