

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
LEAVE PETITION NO.2 OF 2020
IN
COMMERCIAL SUIT (L.) NO.1382 OF 2019**

Sumit Bhalotia (HUF)	..Petitioner
V/s.	
Mr.Lakshman Prasad Agarwal & Anr.	..Respondents

Mr.Ziyad Madon with Mr.Anil and Ms.Ankita Ved i/b. Legal Associates for
Petitioner.

CORAM : G.S. KULKARNI, J.

DATE : 8th JANUARY, 2020

PC.:

Heard learned Counsel for the petitioner/plaintiff.

2. This is a petition seeking leave under Clause XII of the Letters Patent. The suit is inter-alia for recovery of an amount of Rs.1,30,82,192/-. The respondents/defendants are having their address at Kolkata as set out in the cause title of the plaint. There is an averment in the plaint that correspondence between the plaintiff and defendant Nos.1 and 2 with respect to the First Tranche and the Second Tranche sent or received by the petitioner/plaintiff from its office in Mumbai. Also the RTGS payments by which the petitioner/plaintiff advanced the First Tranche and the Second Tranche were made from the petitioner's bank account in Mumbai. The First Tranche and the Second Tranche were repayable in the petitioner's bank account in Mumbai.

3. Having perused the averments as made in the petition and the relevant paragraphs in the plaint, in my opinion, material part of cause of action has arisen at Mumbai 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.]