

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO.8 OF 2020
IN
COMMERCIAL SUMMARY SUIT (L.) NO.1373 OF 2019**

Tata Capital Financial Services Ltd.	..Petitioner
Versus	
Williamson Financial Services Ltd.	..Respondent

Mr.Karl Tamboly and Ms.Zil Shah i/b. Manilal Kher Ambalal & Co. for Petitioner.

**CORAM : G.S. KULKARNI, J.
DATE : 20th JANUARY, 2020**

P.C.:

This is a petition for leave under Clause XII of the Letters Patent. Defendant is the guarantor in respect of financial facilities which were extended by the petitioner/plaintiff to the principal borrower namely McNally Bharat Engineering Company Limited.

2. Perusal of the averments as made in the leave petition as also the relevant averments in the plaint indicate that the amounts which were payable under the letter of guarantee dated 27 September 2018 were to be paid by the respondent/defendant to the petitioner at Mumbai. Also the petitioner had called upon the respondent to make payment under the letter of guarantee alongwith interest thereon from Mumbai as clear from the letter of guarantee dated 27 September 2018 addressed by the respondent to the petitioner. Also it is a case of the petitioner that the undertaking/letter of guarantee was received by the petitioner from the respondent in Mumbai. Accordingly the petitioner says that part of cause of action has been arisen within the jurisdiction of this Court.

3. Heard learned Counsel for the petitioner. Having perused the averments as made in the leave petition and the relevant averments in the plaint, in my opinion although the respondent is having its registered office at Assam and an office at Kolkata as set out in the cause title of the plaint, material part of cause of action has been arisen within the jurisdiction of this Court. In these circumstances, with 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.]