

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 105 OF 2021
IN
SUIT (LODGING) NO. 170 OF 2020**

Ashok Awatsingh Matai and another ... Petitioners/Plaintiffs

vs.

Vikram Chandur Hingorani and others ... Respondents/Defendants

Ms. Shweta Singh, i/b. Yatin R. Shah for petitioners/plaintiffs.

Mr. Z. A. Zariwala a/w. S. Z. Zariwala, i/b. MDP & Partners for respondent/defendant No.2.

CORAM : MANISH PITALE, J

DATE : 04th JULY, 2023

P.C. :

. The original plaintiffs are seeking leave under Clause XII of the Letters Patent for pursuing the suit. Learned counsel for the petitioners/plaintiffs submits that although amendment of the plaint was granted by order dated 13.01.2021, the petitioners were under the impression that leave was also granted. But the leave petition is still pending for orders, although in the case status, the leave petition is shown as disposed of.

2. In order to obviate any further confusion in the matter, learned counsel for the petitioners submits that this Court may pass appropriate orders in the leave petition. It is submitted that substantial cause of action has arisen in jurisdiction of this Court and only one property is situated at Ajmer (Rajasthan).

3. This Court is of the opinion that sufficient cause is made out for allowing the leave petition.
4. In view of the above, leave petition is allowed.
5. It is further pointed out that application for interim reliefs, as well as application filed on behalf of defendant No.3 under Order VII Rule 11(a) of the Code of Civil Procedure, are pending before this Court.
6. List all the pending applications for further consideration on 08.08.2023.

(MANISH PITALE, J)

Priya Kambli