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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

LEAVE PETITION NO.9 OF 2023

IN

SUIT (L) NO.28632 OF 2021

Jagdish P. Tarwala @ Gandhi & Anr. ...Plaintiffs

Versus

Hansa Bharat Gandhi & Ors. ... Respondents

Mr. Aman Kacharia a/w. Vedashri Shah , Mr. Bhavesh Joshi and
Ms. Sakshi Agarwal for the Plaintiffs.

Ms. Rachana Karad i/b The Juris Partners for the Defendants.

CORAM : R. I. CHAGLA J.

DATE : 3 MARCH 2023.

ORDER :

1. By this leave petition the Plaintiffs are seeking leave to institute a suit as well as pursue the suit in this Court against the Defendants. They have sought leave under Clause 12 of the Letters Patent (Bombay). In that context, a perusal of the plaint will show that the Plaintiff's cause of action is with regard to the partition of assets of the estate of late Shri Purshottam Tarwala.

The jurisdiction clause in paragraph No.8 of the plaint states that the said property is situated at Mumbai within the jurisdiction of this Court. There is another property at Gujarat which forms part of the estate of late Shri Purshottam Tarwala. In view of this property, leave has been sought under Clause 12 of Letters Patent.

2. Except for Defendant Nos. 4 and 5, the Defendants are residing in Mumbai. Thus in my view, the material part of the cause of action has arisen in Mumbai. Considering that the other property is at Gujarat which forms part of the estate of late Shri Purshottam Tarwala, who was residing in Mumbai as well as various assets of the estate are situated in Mumbai, leave is granted under Clause 12 of the Letters Patent.

3. The Letters Patent is made absolute in terms of prayer clause (a) and is accordingly disposed of.

[R.I. CHAGLA J.]