

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

LEAVE PETITION NO. 2 OF 2023

IN

SUIT (L) NO.38376 OF 2022

Rajashri Chandrashekhar Gurjar

...Petitioner/Plaintiff

Versus

Jayashree Ajit Potnis and Anr.

...Respondents/Defendants

Ms. Kalyani Bane i/by M/s Divekar and Co. for the Petitioner.

CORAM : R.I. CHAGLA J

DATE : 23rd February 2023.

P. C. :

1. By this Leave Petition, the Petitioner/Plaintiff is seeking leave under Clause XII of the Letters Patent to file the above Suit against the Defendant in this Court.

2. In the jurisdiction Clause of the plaint viz. Paragraph No.29, it is mentioned that, the suit properties except a flat in Pune are situated in Mumbai. The Defendant Nos.1 and 2 are residing in Mumbai. Substantial part of cause of action has arisen in Mumbai. In view of the one of the suit properties being situated in Pune, Leave under Clause XII of the Letters Patent has been sought from this Court.

3. Having considering the above jurisdiction Clause in the plaint, I am satisfied that the cause of action has arisen in Mumbai, particularly considering that the suit is for partition of properties and all the properties

except one are situated in Mumbai. Accordingly, the substantial part of cause of action arises in Mumbai.

4. Accordingly, leave is granted to the Petitioner under Clause XII of the Letters Patent of this Court. Leave Petition is made absolute in terms of prayer clause 'a'.

5. Leave Petition is disposed off.

(R.I. CHAGLA J.)