

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

WRIT PETITION NO. 2880 OF 2023

Shambhu Sharan Giri

...Petitioner

Vs.

The Chairman,

Life Insurance Corporation of India & Anr.

...Respondents

Ms. Nidhi Chheda, for Petitioner.

Mr. Ramesh Cheulkar, for Respondent-LIC.

CORAM: G. S. KULKARNI &  
FIRDOSH P. POONIWALLA, JJ.

DATE: 1 APRIL, 2024.

P.C.

1. We have heard learned counsel for the parties.
2. This petition under Article 226 of the Constitution is filed praying for a Writ of Mandamus / order / direction, for setting aside the Order dated 15 May 2023 passed by the respondent No.1-The Chairman, Life Insurance Corporation of India, against the Memorial of the petitioner under Section 24 of the Life Insurance Corporation of India (Agents) Regulations, 2017. There is a further relief as prayed for which is for a direction for setting aside the termination order and suspension order passed by respondent No.2-Life Insurance Corporation of India, and for reinstatement of the petitioner with all the benefits. Another relief as prayed for is to direct the respondents to obtain and place on record conclusive Central Forensic Science Laboratory ("CFSL")

report obtained by the “Bistupur Police Station” which is also a police station situated at Jharkhand.

3. Considering the prayers and the nature of the cause of action, learned counsel for the respondents at the outset has raised an objection to the maintainability of this petition before this Court. His contention is that the petition ought to have been filed before the Jharkhand High Court. In support of such contention, learned counsel for respondents has placed reliance on a decision of the Division Bench of this Court in **Hikeal Limited Vs. Union of India, Through Ministry of Environment, Forest & Climate Change.**, in Writ Petition No.1124 of 2023 decided on 22 February 2024, wherein the Division Bench considering the doctrine of forum conveniens had held the petition not maintainable before the Bombay High Court and had directed the parties to approach the Court of appropriate jurisdiction.

4. Countering such submissions, learned counsel for the petitioner has placed reliance on the decision of the Supreme Court in the case of **Kusum Ingots & Alloys Limited Vs. Union of India and Another.**<sup>1</sup>, and more particularly in paragraph Nos.10, 25 and 30 which reads thus:

*“10. Keeping in view the expressions used in clause (2) of Article 226 of the Constitution of India, indisputably even if a small fraction of cause of action accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter.*

*25. The said decision is an authority for the proposition that the place from where an appellate order or a revisional order is passed may give rise to a part of cause of action although the original order was at a place outside the said area.*

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**1** (2004) 6 SCC 254

*When a part of the cause of action arises within one or the other High Court, it will be for the petitioner to choose his forum.*

30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate causes, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens. ...."

*(emphasis supplied)*

5. We have accordingly heard learned counsel for the parties. Considering the complexion of the present proceedings, we are of the clear opinion that it would be appropriate for the petitioner to approach the Jharkhand High Court in making the prayers as made in the present petition. This for the reason that it appears that the entire cause of action has accrued and has arisen within the territorial jurisdiction of the Jharkhand High Court qua for the actions taken against the petitioner. This would not only be convenient to the litigating parties but also considering the interest of justice.

6. We also find that the Supreme Court in *Kusum Ingots & Alloys Limited Vs. Union of India and Another (supra)* in paragraph 10 and 25 of the said decision it has been held that the expressions used in clause (2) of Article 226 of the Constitution of India indisputably provide that even if a small fraction of cause of action accrues within the jurisdiction of the Court, such Court will have jurisdiction also when an order on an appeal or a revision is passed, within the jurisdiction of the Court. It is held that such orders may give rise to a part of cause of action, although the original order was passed at a place outside the

said area. Although the Supreme Court has subserved in paragraph Nos. 10 and 25, however in paragraph 30 of the said decision it has been held, that even if a small part of cause of action arises within a territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor, compelling the High Court to decide the matter on merits, and that in appropriate cause, the Court may refuse to exercise its discretionary jurisdiction, by invoking the doctrine of *forum conveniens*.

7. Thus, applying the law as enunciated in *Kusum Ingots (supra)* and by invoking the doctrine of *forum conveniens*, in the facts of the present case, we are of the opinion that it would be appropriate that the petitioner approaches Jharkhand High Court to pursue the course of action being appeared in the present petition.

8. We accordingly dispose of this petition to enable the petitioner to move the Jharkhand High Court, by keeping open all contentions of the parties.

9. Needless to observe that as the petitioner was *bona fide* pursuing the present petition, the petitioner would be entitled to defend any plea / objection on delay / laches if so raised by the respondent, in the proposed proceedings on the principles recognised under Section 14 of the Limitation Act.

10. Disposed of. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)