

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

LEAVE PETITION NO. 6 OF 2024
IN
COMMERCIAL SUIT (L) NO. 13222 OF 2024

Finkurve Financial Services Limited

...Petitioner

V/s.

Aarav Singh Harjeet Singh Bhatia & Ors.

...Respondents

Mr. Rubin Vakil, through VC with Ms. Sonam Mhatre, Mr. Amit Mishra and Mr. Utkarsh Pawar i/b DVA for Petitioner.

CORAM : ABHAY AHUJA, J.
DATE : 9th MAY, 2024

P.C. :

1. This Petition has been filed under Clause XII of the Letters Patent Act, 1866 seeking leave of this Court to file the suit for declaration and specific performance against the Respondents, all of whom are located outside the jurisdiction of this Court, in Nagpur and Delhi.

2. Mr. Vakil, learned Counsel for the Petitioner would submit that the Petitioner has its registered office in Mumbai, that the meeting where the principal terms and conditions between the Petitioner and Respondents were agreed took place in Mumbai on 19th March, 2024. That the material part of cause of action has arisen in Mumbai as the

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contract for acquisition of Respondents No. 3-company has concluded at Mumbai, however, since the Respondents resides outside the jurisdiction of this Court, with leave granted under Clause XII of the Letters Patent Act, 1866, this Court would have jurisdiction to entertain, try and dispose of the suit.

3. I have heard the learned Counsel and I have also perused the leave petition as well as the relevant paragraphs of the plaint in the proposed Suit and for the reasons stated in the Petition as well as in the submissions, I am of the view that the leave under Clause XII of the Letters Patent Act be granted.

4. The leave is granted. The Petition is made absolute in terms of prayer Clause (a), which reads thus:-

“(a) This Hon’ble Court be pleased to grant leave under Clause XII of the Letters Patent Act to the Petitioner to institute the above Suit against the Respondents in this Hon’ble Court”.

5. The Petition is allowed and disposed as above.

(ABHAY AHUJA, J.)