

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

LEAVE PETITION NO. 10 OF 2024
IN
SUIT (L) NO. 27492 OF 2023

Ultrafresh Modular Solutions Ltd.
through Authorised Rep. Pranav Malhotra ...Petitioner
V/s.
Zeco Aircon Ltd. & Ors. ...Respondents

Ms. Manpreet Kaur with Ms. Prapti Bhadra & Ms. Annie Gardoz i/b
Falcon Legal, Advocate for the Petitioner.

CORAM : ABHAY AHUJA, J.
DATE : 24TH JULY, 2024

PC. :

1. This Petition seeks leave under Clause XII of the Letters Patent.
2. Ms. Kaur, learned Counsel appears for the Applicant and submits that leave is being sought to institute the suit against the Defendants for damages, permanent injunction, apology in respect of purported defamatory public notice published by the Defendants No. 1 and 2.
3. Learned Counsel submits that although the Defendants No. 1 and 2 have been responsible for the said publication, the Defendants No. 3

to 8 are the directors of the Defendant No.1, Defendant No. 9 is the chief financial officer of the Defendant No. 1, Defendant No.10 is a social media manager of the Defendant No.1 and Defendants No. 11 and 12 are the directors of the Defendant No.2, out of whom Defendants No. 2 to 12 are residing / carrying on business outside the jurisdiction of this Court.

4. Ms. Kaur would submit that, therefore, although the material part of cause of action may have arisen within the jurisdiction of this Court, however, since the Defendant No.2 and the directors of the Defendants are located outside the jurisdiction of this Court, with leave granted under Clause 12 of the Letters Patent, this Court would have jurisdiction to entertain, try and dispose of the suit to be filed in this Court.

5. I have perused the Petition as well as the Plaint and after hearing the learned Counsel, for reasons stated in the Petition as well as in the submissions, I am of the view that leave under Clause XII of the Letters Patent be granted. Accordingly, the Petition is made absolute in terms of prayer Clause (a), which reads thus:-

(a) That leave be granted to the Petitioner (Original Plaintiff) under Clause XII of the Bombay High Court (Letters Patent) Act, 1866 to institute the captioned Suit in this Hon'ble Court against the Respondents (Original Defendants).”

6. Petition accordingly stands disposed.

(ABHAY AHUJA, J.)