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

LEAVE PETITION NO.1 OF 2025

IN

SUIT (L) NO.38742 OF 2024

Dr. Minal Patwardhan Andrade
nee Dr. Minal Kamlakar Warty

...Petitioner

Versus

Dr. Amarish Kamalakar Warty and Ors.

...Respondents

Mr. Huzefa Khokhawala and Mr. Karan Parmar i/b. M/s. Nankani
and Associates for the Petitioner.

CORAM : R.I. CHAGLA J.

DATE : 6TH FEBRUARY, 2025.

ORDER :

1. By this Leave Petition, the Petitioner has sought for grant of leave under Clause XII of the Letters Patent Act to file the Suit against the Respondents within the territorial jurisdiction of this Court.

2. In the jurisdiction Clause 10 of the Complaint, it is stated that the Defendant No.1 is residing in Mumbai. Defendant Nos.2 and 3 are also in Mumbai. The late Kamlakar Raghunath Warty and late Indira Kamlakar Warty were also permanent residents of Mumbai

and passed away in Mumbai. The majority of the estate in respect of which the Plaintiff has sought declaration of its entitlement to 50% of the deceased Kamlakar Raghunath Warty and late Indira Kamlakar Warty are situated in Mumbai. Thus, it is stated that material part of cause of action has arisen within the territorial jurisdiction of this Court and the reason for seeking leave under Clause XII is for two properties in the estate of the deceased which are situated outside the jurisdiction of this Court.

3. Having considered the averments in the Plaint as well as the averments in the Leave Petition and considering that the material part of cause of action has arisen within the territorial jurisdiction of this Court as majority of the estate of the deceased is in Mumbai and the Defendants are also residing in Mumbai, a case is made out for grant of leave under Clause XII of the Leave Petition.

4. In view thereof, the Leave Petition is made absolute in terms of prayer Clause (a).

5. Leave Petition is disposed of accordingly.

[R.I. CHAGLA J.]