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

LEAVE PETITION NO. 51 OF 2025
IN
SUIT (L) NO. 18449 OF 2025

Hemann Jatia ...Petitioner
V/s.
Amit Jatta and Ors. ...Respondents

Mr.Ziyad Madon with Mr. Ritish Desai, Ms. Rashi Shah i/b Kartikeya and Associates for the Petitioner.

CORAM : ABHAY AHUJA, J.
DATE : 24th JUNE, 2025

P.C. :

1. This Petition seeks leave under Clause XII of the Letters Patent.

NIKITA YOGESH GADGIL
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Date: 2025.06.24 17:16:01 +0530

2. Mr. Madon, learned Counsel appearing for the Petitioner submits that the Petitioner seeks to file suit *inter-alia* for partition in terms of a Family Arrangement arrived at between the Petitioner/Plaintiff and the Respondents/Defendants in 2019 for assets and properties which are not only situate in Mumbai but also outside the jurisdiction of this Court at Mahapura in Jaipur and Lonavala.

3. Mr. Madon, learned Counsel for the Petitioner, would submit that the Family Arrangement was executed in Mumbai within the jurisdiction of this Court. That Defendants No. 1, 2, 4 to 7,9 and 11 are

also residents of Mumbai. That 51% Locked in Shares of Westlife Foodworld Ltd. for which partition is sought in the proposed Suit is held by the Defendants No. 12 and 13, which are companies having their registered office also at Mumbai and are carrying on their business in Mumbai and therefore, material cause of action has arisen within the jurisdiction of this Court.

4. Mr. Madon would further submit that though the material part of cause of action has arisen within the jurisdiction of this Court, the Respondents/Defendants No. 3, 8, 10 and 11 reside out of India and some of the immovable properties sought to be partitioned viz. farmhouse, are situate in Mahapura, Ajmer Road, Jaipur and a land are situate in Lonavala, are outside the jurisdiction of this Court.

5. Mr. Mehta would submit that in view of the decision of this Court in the case of ***Tasneem Khatri and Others v. Yunus Ilyas Khatri and Others***[1], since this is *inter-alia* a Suit for partition, although the Suit concerns immovable property, this Court, in view of the settled law, may grant Clause XII leave and that upon leave being granted under Clause XII of the Letters Patent, this Court would have jurisdiction to try and entertain the Suit.

1 Leave Petition No. 9 of 2024 decided on 08th July 2024.

6. In the case of *Tasneem Khatri and Others v. Yunus Ilyas Khatri and Others (supra),* this Court while granting leave under Clause XII of the Letters Patent observed that the suit for partition would not be a suit for land within the meaning of Clause XII of the Letters Patent in respect of the Suit where some of the properties were situate outside the jurisdiction of this Court.

7. In the case of ***Dipika Hitendra Shah and Another v. Jitendra Jayantilal Shah***[2], Clause XII leave was granted in an administration suit seeking administration and partition, where some of the properties were located within the jurisdiction of this Court and some in Gujarat, outside the jurisdiction of this Court.

8. Since the proposed Suit is a Suit for partition of shares in properties located within and outside jurisdiction of this Court, where part of cause of action has arisen outside the jurisdiction of this Court, in my view, would not be a suit for land and with leave granted by this Court under Clause XII of the Letters Patent, this Court would have jurisdiction to entertain, try and dispose of the suit.

2 Leave Petition (L) No. 11286 of 2024 decided on 19th April, 2024.

9. Accordingly, having heard the learned Counsel and having perused the Plaint and in particular paragraph 73 of the Plaint as well as paragraph 6 of the Petition, for above reasons and those submitted by the learned Counsel for the Petitioner, this Court is of the view that Clause XII leave be granted.

10. Accordingly, Leave is hereby granted.

11. The Petition is made absolute in terms of prayer clause (a) which reads thus :

> *"(a) this Hon'ble Court be pleased to grant to the Petitioner leave under Clause XII of the Letters Patent (Bombay) to file the above Suit against the Defendants in this Hon'ble Court."*

12. The Petition is, accordingly, allowed and stands disposed as above.

(ABHAY AHUJA, J.)