

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

LEAVE PETITION NO.52 OF 2025

Nazneen Mark Harper

...Petitioner

V/s.

Rhoda Mehli Kharas

...Respondent

Ms. Ananya Krishnan i/b Khaitan & Co., Advocate for the Petitioner.
Ms. Anuya Pathare i/b Vaish Associates, Advocate for the Respondents
No.1 and 2.
Ms. Bhakti Mehta a/w Ms. Letishiya Chaturvedi i/b Wadia Ghandy &
Co., Advocate for the Respondent No.5.

CORAM : ABHAY AHUJA, J.
DATE : 2nd JULY, 2025

PC. :

1. This Petition seeks leave under Clause XII of the Letters Patent.
2. Ms. Krishnan, learned Counsel appears for the Petitioner and submits that the Plaint in the proposed suit seeks to administer the estate of the deceased late Mehli Sohrab Kharas as per the Will dated 4th September, 2020. That the Suit is proposed to be filed by the first wife and the daughter from the first marriage seeking to administer the estate.
3. Ms. Krishnan submits that except for the movable and immovable properties stated in paragraph 8 of the Petition, the remaining estate of

the deceased is situate in Mumbai. Ms. Krishnan points out that out of the estate situate outside, there is one non-agricultural land, which is situate in District Thane. That there are immovable properties and movable properties which are situate within the jurisdiction of this Court. It is submitted that, therefore, the material part of cause of action has arisen in Mumbai, within the jurisdiction of this Court, however, since part of cause of action may have arisen outside the jurisdiction of this Court, in view of paragraphs 8 and 10 of the Petition, with leave under Clause XII of the letters patent, this Court would have jurisdiction to entertain, try and dispose of the Suit.

4. As this Court has held in several matters that a Suit for administration of estate, even if it includes immovable properties, is not a suit for land, the proposed suit is not suit for land.

5. Having heard the learned Counsel and having perused the Paragraphs 8 and 10 of the Petition as well as paragraph 45 of the suit, this Court is of the view that, for reasons as contained in the said paragraphs and as submitted by the learned Counsel, leave under Clause XII of the Letters Patent be granted.

6. Accordingly, leave under Clause XII of the Letters Patent is granted.

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

“(a) The this Hon’ble Court be pleased to grant leave to the Petitioner, under Clause XII of the Letters Patent.”

8. The Petition, accordingly, stands allowed and disposed.

(ABHAY AHUJA, J.)