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

LEAVE PETITION NO. 81 OF 2025

Family Planning Association of India ...Petitioner
V/s.
Mohan Manohar Mulay ...Respondent

Mr. Anish Karande with Mr. Nihal Shaikh, Mr. Nikhil Shirsekar and Ms. Aishwarya Gairola i/b Link Legal,Advocate for the Petitioners.
None for the Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 21st AUGUST, 2025

P.C. :

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

2. When the matter is called out, Mr. Karande, learned Counsel appears for the Petitioner and submits that the Petitioner is a charitable institution seeking to obtain a declaration by way of the proposed Suit that the Plaintiff is absolute owner of all the shares of the Respondent No.2-company.

3. Mr. Karande submits that the Respondents No. 1, 2 and 4 have their addresses outside Mumbai. That the Respondent No. 3 has its registered office in Mumbai. That the Respondent No. 3 has refused to transfer the shares in the name of the Plaintiff in Mumbai. That the transfer of shares under the Will according to the Plaintiff has taken place in Mumbai. Mr. Karande submits that, therefore, although the

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substantial part of cause of action has arisen in Mumbai, part of cause of action has arisen outside Mumbai and with leave granted under Clause XII of the Letters Patent, this Court would have jurisdiction to entertain, try and dispose of the Suit proposed to be filed.

4. Mr. Karande draws the attention of this Court to paragraph 15 of the Leave Petition and paragraph 52 of the Plaint in the proposed Suit in support of his contentions. Mr. Karande submits that this Court may therefore, grant leave under Clause XII of the Letters Patent.

5. Having heard the learned Counsel and having perused paragraph 15 of the Leave Petition and paragraph 52 of the Plaint in the proposed 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 in terms of prayer clause (a) which reads thus :

"(a) That the Hon'ble Court be pleased to grant to the Petitioner leave under Clause XII of the Letters Patent to file the above suit against the Respondents in this Hon'ble Court."

7. The Petition, accordingly, stands allowed and disposed as above.

(ABHAY AHUJA, J.)