

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

LEAVE PETITION NO. 117 OF 2025
IN
SUIT (L) NO. 24862 OF 2025

Nilima Satish Chandra Gautam

...Petitioner

V/s.

Shashi Satish Chandra Gautam & Ors.

...Respondents

Mr.Akshay R. Pai i/b Bina R. Pai for the Petitioner.

None for the Respondents.

CORAM : ABHAY AHUJA, J.
DATE : 20th AUGUST 2025

P.C. :

1. This Petition seeks leave under Clause XII of the Letters Patent.
2. When the matter is called out, Mr. Pai, learned Counsel appears for the Petitioner and submits that the Suit proposed to be filed is for partition and one of the properties is situate in Daman and that although the Suit is not Suit for land, however, since one of the many properties in respect of which the partition is being sought is situate outside the jurisdiction of this Court, 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.

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2025.08.20
16:23:11
+0530

Nikita Gadgil

1/2

3. Mr. Pai draws the attention of this Court to paragraphs 3 to 6 of the Leave Petition and paragraph 32 of the Plaint in the proposed Suit in support of his contentions. Mr. Pai submits that this Court may therefore grant leave under Clause XII of the Letters Patent.

4. Having heard the learned Counsel and having perused paragraphs 3 to 6 of the Leave Petition and paragraph 32 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.

5. Accordingly, leave under Clause XII of the Letters Patent is granted in terms of prayer clause (a) which reads thus :

“(a) this Hon’ble Court be pleased to grant leave to the Petitioner under Clause XII of the Letters Patent of the Hon’ble Bombay High Court for joinder of the abovementioned properties and file this suit in this Hon’ble court.”

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

(ABHAY AHUJA, J.)