

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

LEAVE PETITION NO.129 OF 2025

IN

SUIT (L) NO. 28149 OF 2025

Sveera Mihir Parikh and Anr.

...Petitioners

V/s.

Ketaki Parikh and Ors

...Respondents

Mr. Sharad Bansal with Ms. Mansi Shah i/b M/s Pravin Mehta and
Mithi & Co. for the Petitioners.

None for the Respondents.

CORAM : ABHAY AHUJA, J.
DATE : 18th SEPTEMBER, 2025

PC. :

1. This Petition seeks leave under Clause XII of the Letters Patent.
2. Mr. Bansal, learned Counsel appears for the Petitioners and submits that the proposed Suit seeks administration of estate of the father and the grandfather. That although the Petitioners and the Defendant No. 1 are in Mumbai, however, the Defendants No. 2, 4, 5, 6 and 8 as well as part of the estate is outside Mumbai. Mr. Bansal submits that the major part of the estate is within Mumbai. That although substantial part of cause of action has arisen within the jurisdiction of this Court, however, as the some of the estate and the Defendants No. 2, 4, 5, 6 and 8 are situate outside Mumbai, part of cause of action would have arisen outside the jurisdiction of this Court.

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That 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. Mr. Bansal submits that the Suit is not a Suit for land.

3. Mr. Bansal draws the attention of this Court to paragraph 10 of the Petition and paragraph 83 of the Plaint in the proposed Suit in support of his contentions. Mr. Bansal submits that this Court may therefore grant leave under Clause XII of the Letters Patent.

4. Having heard the learned Counsel and having perused paragraph 10 of the Petition and paragraph 83 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) that leave be granted to the Petitioner under Clause-XII of the Letters Patent to the Petitioner to lodge and prosecute the Suit (Exhibit “A” hereto), along with any Interim Applications filed therein, in the proposed Suit against the Respondents, before this Hon’ble Court”.

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

(ABHAY AHUJA, J.)