

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 163 OF 2025

DEN ABC Cable Network
Ambernath Private Limited ...Petitioner/Proposed Plaintiff

Versus

NXT Digital Limited & Ors ...Respondents/Proposed Defendants

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Mr. Rajmani Varma a/w Ms. Poonam Sheth i/b Navdeep Vora and
Associates Advocates for the Petitioner/Proposed Plaintiff

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CORAM : ABHAY AHUJA, J.

DATE : 06th NOVEMBER 2025

P.C. :

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

2. Mr. Varma, learned Counsel appears for the Petitioner and
submits that the Suit proposed to be filed *inter alia* seeks declaration
that the Shareholders Agreement dated 1st July 2013 is valid and
subsisting on Respondents/Proposed Defendants No. 2 to 6 and
injunction restraining the Respondents/Proposed Defendants No. 1 to 6
and 9 to 10 from using and/or interfering and/or tampering with
and/or diverting the Petitioner/Proposed Plaintiff's Network.

3. It is submitted that material part of cause of action has arisen within the jurisdiction of this Court in as much as the Defendant No.1, 7 and 8 have their registered offices or carry out their business in Mumbai, the Plaintiff No.2 has set up its control room to transmit signal in the MSO (Multi System Operator) cable network of Plaintiff No.1 in Mumbai, that the Defendant No.1 has its office in Mumbai and transmits its signal illegally from its office at Andheri in the cable network of Plaintiff No.1. That the Share Holders Agreement was executed in Mumbai and the Defendant No.1 has supplied and swapped the Set Stop Boxes with the Set Stop Boxes of the Plaintiff No.1 in Mumbai, however, since, Defendant No. 2 to 6 and 8 to 10 are located outside Mumbai and the Plaintiff No. 2 also has its control room to transmit signal in Thane and Kalyan Region including Ambernath in the MSO cable network of Plaintiff No.1, part of cause of action may have also arisen outside the jurisdiction of this Court and with leave under Clause XII of the Letters Patent, this Court would have jurisdiction to entertain, try and dispose of the Suit.

4. Mr. Varma, has drawn this Court's attention to paragraph 3 of the Petition and paragraph 62 of the Plaint in support of his contentions.

5. Having heard the learned Counsel and having considered his submissions and also having perused the paragraphs 3 of the Petition and paragraph 62 of the Plaint, this Court is of the view that, for reasons as contained in the said paragraph 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.) That Leave may be granted to the Petitioner to file the above suit in this Hon’ble Court in accordance with Clause XII of the Letters Patent Act against the Respondents abovenamed in order that this Hon’ble Court will have jurisdiction to receive, entertain, try and dispose of the said Suit.”

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