

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

LEAVE PETITION NO. 218 OF 2025

IN

SUIT (L) NO. 29538 OF 2025

PERIN SHAHRUKH IRANI AND OTHERS )...PETITIONERS

V/s.

DONESH DINSHA IRANI AND ANOTHER )...RESPONDENTS

Mr.Cyrus Bharucha a/w. Mr.Neha D. and MrTushar Cooper i/by Mulla &  
Mulla & CB & C, Advocate for the Petitioners / Plaintiffs.

CORAM : ABHAY AHUJA, J.

DATE : 15<sup>th</sup> DECEMBER 2025

PC. :

1. This Petition seeks leave under Clause XII of the Letters Patent.
2. Mr.Cyrus Bharucha, learned Counsel, appears for the Petitioners and submits that in the Suit proposed to be filed for administration of the estate of the deceased Late Mr.Shahrukh Dinsha Irani, who died intestate, there are movable and some immovable properties lying within the jurisdiction of this Court, however, there are some immovable properties outside the jurisdiction of this Court.

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3. Mr.Bharucha submits that the deceased died intestate in Mumbai. The Defendants reside and/or carry on business in Mumbai. Almost all the assets and properties comprising of the estate of the deceased are situated in Mumbai. However, as submitted above, some of the immovable properties which are required to be administered are outside the jurisdiction of this Court. Mr.Bharucha submits that, therefore, although the material part of cause of action has arisen within the jurisdiction of this Court, however, a part of cause of action would be outside the jurisdiction of this Court, and that, with leave granted under Clause XII of the Letters Patent, this Court would have jurisdiction to entertain, try and dispose of the suit.

4. Mr.Bharucha refers to paragraph 5 of the Leave Petition and paragraph 34 of the plaint in the proposed Suit, in support of his contention.

5. Having heard the learned Counsel and having perused paragraph 5 of the Leave Petition and paragraph 34 of the plaint in the proposed Suit, for the above reasons and those submitted by the learned Counsel for the Petitioners, this Court is of the view that Clause XII leave be granted.

6. The Petition is allowed in terms of prayer clause (a) which reads thus :

*“(a) That this Hon'ble Court be pleased to grant leave to the Petitioners under Clause XII of the Letters Patent to file a Suit for administration of the estate of the deceased late Shahrukh Dinsha Irani, in this Hon'ble Court and for other reliefs as stated in the plaint.”*

7. The Leave Petition, accordingly, stands disposed.

**(ABHAY AHUJA, J.)**