

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

**LEAVE PETITION NO. 12 OF 2024  
IN  
SUIT (L) NO. 25202 OF 2024**

**Sapna Suresh Sharma And Anr.**

**...Petitioner**

**V/s.**

**Vipul Pannalal Sharma & Ors.**

**...Respondents**

Ms. Milli Murkudkar with Mr. Aditya Tawde and i/b Solicis Lex for the Petitioner.

Mr. Rushabh Parekh with Mr. Munaf Virjee i/b AMR Law for the Respondents.

**CORAM : ABHAY AHUJA, J.  
DATE : 19<sup>th</sup> JANUARY, 2026**

**P.C. :**

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

2. When the matter is called out, Ms. Murkudkar, learned Counsel appears for the Petitioner and submits that the Suit proposed to be filed seeks partition of the estate of the deceased. That all the estate of the deceased all the properties, movable and immovable, are located within the jurisdiction of this Court, however, four of the immovable properties are situate in Sadri, Rajasthan. That although the substantial part of cause of action has arisen within the jurisdiction of this Court, however, in view of the above part of cause of action would arise

outside the jurisdiction of this Court and with leave granted by this court under Clause XII of the Letters Patent, this Court would have jurisdiction to entertain, try and dispose of the Suit.

3. Ms. Murkudkar draws this Court's attention to paragraph 6 of the Leave Petition and paragraphs 7.g and 93 of the Plaint in the proposed Suit in support of this contentions.

4. Ms. Murkudkar relies upon the decision of this Court in the case of *Dipika Hitendra Shah and Another v. Jitendra Jayantilal Shah*<sup>1</sup>, where Clause XII leave was granted in an administration Suit seeking administration and partition, where some of the properties were located within the jurisdiction of this Court and some in Gujarat, outside the jurisdiction of this Court.

5. Having heard the learned Counsel and having considered his submissions and also having perused paragraph 7.g of the Petition and paragraph 93 of the Plaint, 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 and is hereby granted in terms of prayer Clause (a) of the Petition, which reads thus:

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<sup>1</sup> Leave Petition (L) No. 11286 of 2024 decided on 19<sup>th</sup> April, 2024

*“(a) That this Hon’ble Court be pleased to pass an Order granting leave under Clause XII of the Bombay High Court (Letters Patent) to the Petitioners / Orig. Plaintiffs to sue the Respondents/ Orig. Defendants before this Hon’ble Court. ”*

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

(ABHAY AHUJA, J.)

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signed by  
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GADGIL  
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