

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

LEAVE PETITION NO. 181 OF 2025

IN

SUIT (L) NO.13872 OF 2025

Smita Rajiv Deokar nee Smita Rajaram Dudwadkar ...Petitioner
V/s.

Jaywant alias Jayant Ramrao Shivalkar ...Respondent

Mr. Aditya Mehta with Mr. Bhavesh C. Sawant i/b Mr. Akshay S. Dalvi
for the Petitioner.

CORAM : ABHAY AHUJA, J.
DATE : 4th FEBRUARY, 2026

PC. :

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

2. Mr. Mehta, learned Counsel appears for the Petitioner and submits that the Suit proposed to be filed is seeking partition and 1/9th share in the suit property. That since the properties at schedule 1 to 3 are situate in Mumbai and the properties at schedule 4 to 10 are situate outside the jurisdiction of this Court in Raigad and that although the part of cause of action has arisen within the jurisdiction of this Court, a part of cause of action would have arisen outside the jurisdiction of this Court and therefore, 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. Mr. Jain draws this Court's attention to paragraphs 2 to 4 of the Leave Petition and paragraph 53 of the Plaint in the proposed Suit in support of his contentions.

4. Having heard the learned Counsel and having considered his submissions and also having perused paragraphs 2 to 4 of the Leave Petition and paragraph 53 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:

“(a) That leave be granted by this Hon’ble Court to the Petitioners (Original Plaintiffs) under Clause XII of the Letters Patent Act in order for this Hon’ble Court to try and entertain the captioned suit.”

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

(ABHAY AHUJA, J.)