

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

LEAVE PETITION NO.138 OF 2026
IN
SUIT (L) NO. 11943 OF 2026

Metal Power Analytical Pvt. Ltd.

...Petitioner

Vs.

M/s Mitatronics

...Respondent

Mr. Karan Bhide with Mr. Kaizad Dalal i/b Wadia Ghandy and Co. for
the Petitioner.

CORAM : ABHAY AHUJA, J.

DATE : 17th APRIL, 2026

PC. :

1. This Petition seeks leave under Clause XII of the Letters Patent
Act, 1886.

2. Mr. Bhide, learned Counsel appears for the Petitioner and
submits that the Petitioner proposes to file a Suit against the
Respondent situate outside the jurisdiction of this Court for damages
for supply of defective goods due to which the Petitioner has suffered
loss. Mr. Bhide submits that due to the Respondent's defaults in supply
of the PCBA's, the Petitioner suffered substantial financial and
reputational loss and the effects of which have been felt in Mumbai as
well as outside Mumbai, as there were customers outside the
jurisdiction of this Court, who had bought the defective goods. Mr.
Bhide submits that, therefore, although substantial part of cause of

action has arisen within the jurisdiction of this Court, however, part of cause of action would have also arisen outside the jurisdiction of this Court and with leave granted under Clause XII of the Letters Patent Act, this Court would have jurisdiction to entertain, try and dispose of the Suit proposed to be filed by the Petitioner against the Respondents.

3. Mr. Bhide draws this Court's attention to paragraph 4 of the Leave Petition and paragraph 20 of the Plaint in the proposed Suit in support.

4. Having heard the learned Counsel and having considered his submissions and also having perused paragraph 4 of the Leave Petition and paragraph 20 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 this Hon'ble Court be pleased to grant leave under Clause XII of the Letters Patent to the Petitioner to institute the captioned Suit against the Respondent before this Hon'ble Court.”

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

(ABHAY AHUJA, J.)