

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

LEAVE PETITION NO. 157 OF 2026
IN
SUIT (L) NO. 14650 OF 2026

Krishna Bhagwan Kotak

...Petitioner

Vs.

Vir Krishna Kotak

...Respondent

Mr. Atul Jain with Mr. Nitesh Jain, Mr. Somit Kumar Singh and Mr. Ojaswi Shankar i/b Trilegal for the Petitioner.

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

PC. :

1. This Leave Petition seeks leave under Clause XII of the Letters Patent.
2. When the matter is called out, Mr. Jain, learned Counsel appears for the Petitioner and submits that the Plaintiff is the father of the Defendant No. 1, who is seeking to file a suit against his son inter alia for a declaration that the Plaintiff's gift of 6000 shares on 18th July, 2012 in favour of the Defendant No.1, was conditional and revocable in nature and have been revoked pursuant to the revocation letter dated 8th March, 2024.
3. Mr. Jain submits that the Petitioner and the Defendant No.2 reside in Mumbai. The Defendant No.3- company whose shares are in

consideration, has its registered office in Mumbai. The gift of the shares in favour of the Defendant No.1 was effected in Mumbai. The share transfer forms were executed in Mumbai and the company having its registered office in Mumbai acted upon the transfer by recording the same in its statutory records maintained at Mumbai. The shares held in Defendant No.3 and incidence of ownership including any consequential directions sought in the proposed Suit necessarily operate through the Defendant No.3, which is located in Mumbai. The Defendant No.1 has instituted the Suit No. 53 of 2024 along with the Interim Application No. 512 of 2024 before this Court in Mumbai. The Defendant No. 1 has also initiated civil proceedings including Oppression and Mismanagement Petition before the NCLT, Mumbai, in addition to a criminal complaint at the Wadala Truck Terminal Police Station at Mumbai. However, since the Defendant No.1 stays in New Delhi as well as in Singapore, outside the jurisdiction of this Court, part of cause of action would arise outside the jurisdiction of this Court. That, therefore, although material part of cause of action has arisen within the jurisdiction of this Court, a part of cause of action has arisen outside the jurisdiction of this Court as the revocation letter has been addressed to the Defendant No.1 at its Delhi and Singapore addresses 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.

4. Mr. Jain draws this Court's attention to paragraphs 6 and 43 to 51 of the Leave Petition and paragraphs 81 and 82 of the Plaint in the proposed Suit in support of his contentions.

5. Having heard the learned Counsel and having considered his submissions and also having perused paragraphs 6 and 43 to 51 of the Leave Petition and paragraphs 81 and 82 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 (Bombay), 1865, as amended by the Bombay High Court Letters Patents (Amendment) Act, 1948, to institute the Suit against the Defendants.”

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

(ABHAY AHUJA, J.)

Digitally
signed by
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YOGESH
GADGIL
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