

WP(C) 2779/2013

BEFORE

HON'BLE MR. JUSTICE N. CHOUDHURY

Heard Mr. I. Choudhury Learned Counsel for the petitioner. Mrs. M. Goswami Learned Government Advocate, Assam, appears on behalf of the respondent No.1 and Mr. B.D.Goswami Learned Advocate appears on behalf of the respondent No. 4.

Mr. Choudhury submits that a substantial part of the cause of action in the dispute in question took place at Guwahati within the territorial jurisdiction of this High Court yet an FIR has been lodged by respondent No. 4 before the Officer-in-charge of Oshiwara Police Station of Mumbai, Maharashtra against the present petitioner after having failed to get desired result in a civil suit. It is stated that an arbitration proceeding is also pending in regard to the same subject matter. Learned Counsel has relied on a judgment of the Supreme Court in the case of Navinchandra N. Majthia vs. State of Maharashtra reported in 2000 (7) SCC 640, and urged that under similar circumstances, a writ was held to be maintainable in regard to a police case registered beyond the territorial jurisdiction of the Mumbai High Court on the ground that part of cause of action arose within the territorial jurisdiction of the High Court of Mumbai.

Having heard the learned counsel for the petitioner I feel inclined to stay further proceedings in C.R.Case No. 376/2012, under Sections 409/420/468/471/34 IPC pending in Oshiwara P.S. at Mumbai, Maharashtra till 13.11.2013.

Let this Misc Case as well as the main writ petition be listed for admission hearing on 13.11.2013 on which date an attempt shall be made to dispose of the writ petition.