

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION (STAMP) NO.12819 OF 2005  
IN  
FIRST APPEAL NO.637 OF 2003

Abdul Jabar Mohammed Ishaq & Anr. ...Applicants

Versus

Ravindranath Rupa Prajapati

& Ors. ...Respondents

.....

Ms.Farhat Sheikh for Applicants.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

(VACATION JUDGE)

MAY 31, 2005.

P.C.

1. This Application, in my opinion, is ill-advised. There is no necessity of moving any application to seek leave to file a Letters Patent Appeal. Counsel for the Applicants placed reliance on Clause XII of the Letters Patent to justify the

prayer in this Application. This submission clearly overlooks that Clause XII applies to the Original Side proceedings namely, suit, and not the Letters Patent Appeal, which is to be taken out under Clause 15. Accordingly, this Application also fails. Hence, disposed of.

A.M.KHANWILKAR, J.