



2024:DHC:7959



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 14th October, 2024***

+ CM(M) 1991/2024 & CM APPL. 12428/2024
RAJNIBHAI H DOSHI SINCE DECEASED THROUGH LRS

.....Petitioner

Through: Mr. Sanjay Jain, Advocate.

versus

MAHENDRA KUMAR NAROTTAM DAS GANDHI SINCE
DECEASED THROUGH LRS

.....Respondent

Through: Mr. Surjeet Singh and Mr. Praphul Kr.
Vohra, Advocates.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. The present petition has been filed under Article 227 of the Constitution of India challenging order dated 19.01.2024 passed by learned National Consumer Disputes Redressal Commission (in short 'NCDRC') in First Appeal No. 611 of 2014.
2. The above matter was filed before learned NCDRC impugning order dated 04.02.2014 passed by the State Consumer Disputes Redressal Commission, Maharashtra in Complaint No.193/2000.
3. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Bombay High Court, relying upon judgment dated 04.03.2024 passed by Hon'ble Supreme Court in *Siddhartha S Mookerjee vs. Madhab Chand Mitter*, Civil Appeal Nos. 3915-16/2024, learned counsel for petitioner prays that the petitioner may be permitted to withdraw the present petition with liberty to approach said jurisdictional High Court.



4. This Court has gone through the above said order wherein the Hon'ble Supreme Court has, very categorically, observed that merely because NCDRC had allowed petition, the jurisdiction would not vest with Delhi High Court and observing that since the cause of action had arisen in Kolkata and the matter had been dealt with by the State Commission of West Bengal, it was held that the jurisdiction of High Court of Calcutta should have been invoked.

5. Moreover, this Court has already *vide* order dated 12.09.2024 passed in *General Manager, Punjab National Bank and Others vs. Rohit Malhotra: (2024) SCC OnLine Del 6415* observed that in view of *Siddhartha S Mookerjee (supra)*, any such petitioner should go to the "jurisdictional High Court".

6. The petition stands disposed of as withdrawn. Liberty, as prayed for, is granted.

7. It is, however, made clear that this Court has not expressed any opinion, whatsoever, over the merits of the case.

8. It is, however, noticed that when this petition was entertained earlier, the execution proceedings were directed to be stayed. In order to enable the petitioner herein to approach the jurisdictional High Court and to obtain relief if any, from such jurisdiction High Court, the respondent would ensure that no coercive process is taken out in the above said Execution Petition for a period of four weeks from today.

(MANOJ JAIN)
JUDGE

OCTOBER 14, 2024/ss