



\$~74

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 2208/2024, CM APPL. 18077/2024--stay

DR. VAIBHAV MISTRY & ANR.

..... Petitioners

Through: Mr. Navin Prakash & Mr. Ved Vyas
Tripathi, Advs.

versus

RADHEYSHAM DAS & ORS.

..... Respondents

Through:

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
10.04.2024

%

1. The present petition has been filed under Article 227 of the Constitution of India impugning the order dated 19.12.2023 passed by learned National Consumer Disputes Redressal Commission, New Delhi in IA No. 6698/2020 in First Appeal No.748/2020 titled as “*Dr. Vaibhav Mistry & Anr. vs. Radheshyam Das & Ors.*” whereby the first appeal has been dismissed.
2. Learned counsel for the petitioner submits that the original complaint was filed before the learned State Consumer Disputes Redressal Commission, Maharashtra, Mumbai and against that order appeal was moved before the learned NCDRC, which came to be dismissed vide the impugned order.
3. After addressing some submissions, the learned counsel admits that



the entire cause of action in the present case has arisen in State Commission, Mumbai and only the first appeal has been preferred before the learned NCDRC in New Delhi. Moreover, in view of paragraphs 7, 8, 9 & 10 of the judgment of the Hon'ble Supreme Court in *Siddhartha S. Mookerjee & Anr. Vs. Madhab Chand Mitter & Anr.* [C.A. Nos. 3915-3916/2024], learned counsel seeks permission to withdraw the present petition with liberty to move before the appropriate forum as per law within a period of four weeks.

4. In view of the above submissions, permission to withdraw with liberty as per law and as prayed for is granted.

5. Accordingly, the petition along with pending application stands disposed of.

SHALINDER KAUR, J

APRIL 10, 2024

ab