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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 18th October, 2024**

+ CM(M) 2242/2024

MS. SUBHASH TRADERS

.....Petitioner

Through: Mr. Shyam Kumar, Advocate
(Through VC)

versus

UNIVERSAL SOMPO GENERAL INSURANCE COMPANY LTD.
AND ANR.

.....Respondent

Through: Mr. Rajat Khattri, Advocate
(Through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present petition seeks to challenge order dated 22.12.2023 passed by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC') whereby First Appeal No. 2281/2019 has been allowed.
2. The above matter was filed before NCDRC impugning order dated 20.08.2019 passed by the State Consumer Disputes Redressal Commission, Bihar, Patna in Complaint No. 62/2015.
3. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Patna High Court, in view of 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, the petitioner should rather approach the concerned jurisdictional High Court.
4. In *Siddhartha S Mookerjee* (supra), 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. In view of the above, the present petition is disposed of as not maintainable on account of lack of jurisdiction. All the rights and contentions of the parties are reserved.

7. Needless to say, the petitioner would be at liberty to invoke the jurisdiction of the jurisdictional High Court i.e. Patna High Court by filing appropriate petition.

8. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

OCTOBER 18, 2024/dr