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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 2259/2024**

**M/S. SONAM BUILDER THROUGH ITS PARTNER, MR.
BHARAT MITHALAL JAIN, Petitioner**

Through: Mr. Nihant Panicker, Adv.

versus

MR. BIRENDRA INDRAMANI SHUKLA & ORS. Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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16.05.2024

CM APPL. 29496/2024---filed by petitioner for withdrawal of petition with liberty to file a fresh petition before the appropriate Court having jurisdiction in view of the order dt. 04.03.2024 passed by supreme Court in the matter Siddhartha S.Mookerjee Vs. Madhab Chand Mitter

1. The present application has been filed on behalf of the petitioner under Section 151 of the Code of Civil Procedure, 1908 for withdrawal of the present petition.
2. In view of the grounds mentioned in the application, permission is granted to withdraw. Application is allowed.

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3. The present petition under Article 227 of the Constitution of India has been filed impugning the order dated 15.11.2023 passed by the learned National Consumer Disputes Redressal Commission, New Delhi ("NCDRC"), in Revision Petition No.3386/2018 titled as "M/s Sonam



Builder vs. Birendra Shukla & Ors.”, whereby the learned NCDRC dismissed the revision petition filed by the petitioner.

4. Learned counsel for the petitioner submits that the original complaint was filed before the learned State Consumer Disputes Redressal Forum, Maharashtra. Thereafter, a revision petition was moved against the order of learned SCDRC, Maharashtra before the learned NCDRC, which came to be dismissed vide the impugned order.

5. After addressing some submissions, the learned counsel admits that the entire cause of action in the present case has arisen in Maharashtra, except that the revision petition before the learned NCDRC filed 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 within four weeks, as per law.

6. Permission to withdraw with liberty as per law and as prayed for is granted.

7. Accordingly, the present petition stands disposed of.

8. Earlier date fixed in the matter i.e. 27.05.2024 stands cancelled.

SHALINDER KAUR, J.

MAY 16, 2024/ss