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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 2303/2024 & CM APPL. 20645-647/2024
MS SHUBH ENTERPRISES THROUGH MR UDHAY S SURVE
PARTNER Petitioner

Through: Ms.Deeplaxmi S., Adv.

versus

MRS HEMALI VRAJENDRA THAKKAR & ORS..... Respondents

Through: Mr. Devansh Arya & Ms.Romi
Kumari, Advs.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
08.04.2024

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1. The present petition has been filed under Article 227 of the Constitution of India impugning the order dated 11.12.2023 passed by learned National Consumer Disputes Redressal Commission, New Delhi in FA No. 996/2022 titled as "M/s Shubh Enterprises vs. Hemali Vrajendra Thakkar & 2 Ors." whereby the first appeal has been dismissed being barred by limitation.
2. Learned counsel for respondent nos.1 & 2 puts an appearance on advance notice.
3. Learned counsel for the petitioner submits that the original complaint was filed before the learned State Consumer Disputes Redressal Commission, Maharashtra and against that order appeal was moved before the learned NCDRC, which came to be dismissed vide the impugned order.



4. 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 four weeks.
5. Permission to withdraw with liberty as per law and as prayed for is granted.
6. Accordingly, the petition along with pending application stands disposed of.

SHALINDER KAUR, J

APRIL 8, 2024
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