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

+ CM(M) 2359/2024, CM APPL. 22332/2024—11 days in re-filing

HANUMANTA SAHADU SINRE Petitioner

Through: Ms. Madhusmita Bora and Mr. Bijoy
Kumar Pradhan, Advs.

versus

DR ASHOK ITHAPE AND ANR Respondents

Through: None.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

22.04.2024

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1. The present petition under Article 227 of the Constitution of India has been preferred impugning the order dated 21.12.2023 passed by learned National Consumer Disputes Redressal Commission, New Delhi in First Appeal No. 1458/2014 titled as “Hanumanta Sahadu Sinre vs. Dr. Ashok Ithape and Anr.” 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 Forum, Maharashtra. Thereafter, a first appeal was moved against the order of learned SCDRC, Maharashtra 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 Maharashtra, Mumbai 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.

4. 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 22, 2024/ss