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

+ **CM(M) 2372/2024**

M/S M J SURGICALS

..... Petitioner

Through: Mr. Haresh Raichura, Mr. Saroj
Raichura, Mr. Rajat Vats and Mr.
Kalp Raichura, Advs.

versus

NATIONAL INSURANCE COMPANY LIMITED Respondent

Through: Mr. Pankaj Seth, Adv.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

23.04.2024

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CM APPL. 22971/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Article 227 of the Constitution of India impugning the order dated 20.02.2023 passed by learned National Consumer Disputes Redressal Commission, New Delhi [in short “NCDRC”] in First Appeal No. 1887 of 2019 titled as “M/S M J SURGICALS VS. NATIONAL INSURANCE COMPANY LIMITED” whereby the appeal has been dismissed.

4. Learned counsel for the petitioner submits that the original complaint was filed before the learned State Consumer Disputes Redressal Commission, Lucknow [in short “SCDRC”]. Thereafter a first appeal was



moved against the order of learned SCDRC, Lucknow 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 Lucknow, Uttar Pradesh except that the first appeal was filed before the learned NCDRC, 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 petition stands disposed of.

SHALINDER KAUR, J

APRIL 23, 2024
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