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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2466/2024**
DR RANJANA PANDEY Petitioner
Through: **Mr. Sandeep Kapoor, Adv.**

versus

MR AKSARU HUSSAIN AND ORS Respondents
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
02.05.2024

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CM APPL. 25548/2024—Exp.

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

CM(M) 2466/2024, CM APPL. 25547/2024—stay

3. Learned counsel for the petitioner seeks permission to withdraw the present petition in the light of the 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], with liberty to file a fresh petition before the Hon'ble High Court of Judicature at Allahabad within four weeks and the relevant paras are reproduced as under:

“7. Treating the High Court of Delhi as the jurisdictional High Court, the respondent no.1 has filed petitions under Article 227 of the Constitution of India. Notice was issued on the said petitions on 04th October, 2023, on the adjudication of jurisdictional aspect. This is what has brought the appellants before this Court.

8. Learned counsel for the respondent no.1 contends that the



jurisdictional High Court in the instant case ought to be treated as the High Court of Delhi, inasmuch as the judgment impugned before the High Court was passed by the NCDRC at Delhi.

9. In our opinion, that can hardly be treated as a ground to invoke the jurisdiction of the High Court of Delhi. The respondent No.1 ought to have approached the High Court of Calcutta being aggrieved by the impugned judgment as the entire cause of action in the present case has arisen in Kolkata, where the patient was operated for ovarian cancer on 24th February, 2012, and expired on 30th July, 2014. The complaint case was filed at Kolkata based on the aforesaid cause of action. Merely, because the NCDRC has allowed the revision petitions filed by the appellants and the respondent no.2 would not be a ground to vest jurisdiction in the High Court of Delhi.

10. Accordingly, the appeals are allowed. The petitions filed before the High Court of Delhi are disposed of with liberty granted to the respondent no.1 to approach the High Court of Calcutta for seeking appropriate relief.”

4. In view of the request so made, petition along with pending application is dismissed as withdrawn with liberty to the petitioner to file fresh petition before the Competent Court.

RAVINDER DUDEJA, J.

MAY 02, 2024/ab/ss