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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2623/2024**
MEDICAL SUPER, MEDICAL COLLEGE KOLKATA

.....Petitioner

Through: Mr. Raja Chatterjee, Advocate.

versus

SMT UMA MANDAL

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

29.08.2024

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1. After hearing arguments for some time, learned counsel for petitioner states that entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Kolkata and while relying upon judgment dated 04.03.2024 passed by Hon'ble Supreme Court in *Siddhartha S Mookerjee vs. Madhab Chand Mitter*, Civil Appeal Nos. 3915-16/2024, learned counsel for petitioner prays that he may be permitted to withdraw the present petition with liberty to approach the jurisdictional High Court.
2. This Court has gone through said order wherein the Hon'ble Supreme Court has, very categorically, observed that merely because NCDRC had allowed petition, the jurisdiction would not vest with Delhi High Court and observing that since the cause of action had arisen in Kolkata and the matter had been dealt with by the State Commission of West Bengal, it was held that the jurisdiction of High Court of Calcutta should have been invoked.
3. In view of above, the present petition is disposed of as withdrawn and

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liberty as prayed is given.

4. Since it is apprised that the Execution Petition is coming up for further consideration before the State Commission, Kolkata and the petitioner anticipates coercive process being issued and since, the petitioner has now withdrawn the present petition with liberty to invoke the jurisdiction of concerned jurisdictional High Court, let no coercive process be taken against the petitioner for a period of 10 days from today.

MANOJ JAIN, J

AUGUST 29, 2024/ss

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