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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1751/2023**
MS SAI CONSTRUCTION & ANR.Petitioner

Through: Mr. Parag Sirohi, Advocate (Through
VC)

versus

SMT VAISHALI VINAYAK PARKHI & ANR.

.....Respondent

Through: None

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

27.08.2024

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CM APPL. 48803/2024

1. An application under Section 151 CPC has been moved seeking withdrawal of the present petition on the ground of lack of territorial jurisdiction with liberty to file the petition before the competent jurisdictional High Court.
2. The present petition has been filed under Article 227 of the Constitution of India challenging order dated 10.05.2023 passed by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC') in Revision Petition No. 720/2013.
3. Said Revision Petition was filed before NCDRC impugning order dated 04.05.2012 passed by the State Consumer Disputes Redressal Commission, Maharashtra, Mumbai in Complaint Case No. 37/2011.
4. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Maharashtra, relying upon judgment

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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.

5. 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.

6. The situation is precisely the same here, too.

7. The petition stands disposed of as withdrawn. Liberty, as prayed for, is granted.

8. It is, however, made clear that this Court has not expressed any opinion, whatsoever, over the merits of the case.

MANOJ JAIN, J

AUGUST 27, 2024/dr