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

% ***Date of decision: 23th September, 2024***

+ CM(M) 1951/2023 & CM APPL.55618/2024 (for withdrawal)

DINESH

.....Petitioner

Through: Mr. Kunal Cheema with Mr.Sanket
Gupta and Ms. Ruchita Kunal
Cheema, Advocates.

versus

BIRLA SUN LIFE INSURANCE COMPANY LIMITED

.....Respondent

Through: Mr. Manu Beri, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present petition has been filed under Article 227 of the Constitution of India challenging order dated 03.08.2023 passed by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC') in Review Petition No. 3785 of 2017.
2. The above matter was filed before NCDRC impugning order dated 18.08.2017 passed by the State Consumer Disputes Redressal Commission, Maharashtra in Consumer Complaint No.472/2007.
3. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Bombay High Court, 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 the petitioner may be permitted to withdraw the present petition with liberty to approach said jurisdictional High



Court.

4. This Court has gone through the above 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.

5. Moreover, this Court has already vide order dated 12.09.2024 passed in title *M/S. TDI Infrastructure Ltd. vs. Birjendra Singh Mallik since Decessednthr LR* in CM(M) No. 2933/2024 observed that in view of *Siddhartha S Mookerjee* (supra), any such petitioner should go to the "jurisdictional High Court".

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 The petition stands disposed of as withdrawn.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

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

8. The next date of hearing i.e. 02.12.2024 stands cancelled.

(MANOJ JAIN)
JUDGE

SEPTEMBER 23, 2024/st