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

% *Date of decision: 09th August, 2024*

+ CM(M) 3141/2024 & CM APPL. 45552-45553/2024

SMT RAMA MISHRAPetitioner

Through: Ms. Shreya Srivastava, Advocate.

versus

LIFE INSURANCE CORPORATION OF INDIARespondent

Through: Mr. Kamal Mehta, Advocate.
(through video conferencing)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. The present petition has been filed under Article 227 of the Constitution of India challenging order dated 12.01.2024 passed by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC') in First Appeal No.1870/2019.
2. Said Appeal was filed before NCDRC impugning order dated 14.05.2019 passed by the State Consumer Disputes Redressal Commission, UP, Lucknow in Complaint No.CC 299/2017.
3. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Uttar Pradesh, 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 she may be permitted to withdraw the present petition with liberty to



approach the jurisdictional High Court.

4. 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.

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

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 The petition stands disposed of as withdrawn.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.

(MANOJ JAIN)
JUDGE

AUGUST 09, 2024/st