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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 06th November, 2024

+ CM(M) 161/2024 & CM APPL. 4942/2024

ORIENTAL INSURANCE CO. LTD.Petitioner

Through: Ms. Sakshi Gupta, Advocate.

versus

SHAMSA TAUSIF AND ORSRespondent

Through: Mr. Samarendra Kumar, Ms. Priyanka Singh, Mr. Adarsh Raj Singh and Mr. Sumit Chanchal, 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 14.08.2023 in First Appeal No. 205/2015 passed by Hon'ble National Consumer Disputes Redressal Commission (in short 'NCDRC').
2. The above matter was filed before NCDRC impugning order dated 16.12.2014 passed by the State Consumer Disputes Redressal Commission, Uttar Pradesh in Appeal No.141/2000.
3. Since the entire cause of action pertaining to the present subject matter has arisen within the jurisdiction of Allahabad High Court, in view of 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, the petitioner should rather approach the concerned jurisdictional High Court.
4. In *Siddhartha S Mookerjee* (supra), 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 *General Manager, Punjab National Bank and Others vs. Rohit Malhotra: (2024) SCC OnLine Del 6415* observed that in view of *Siddhartha S Mookerjee (supra)*, any such petitioner should go to the “jurisdictional High Court”.

6. In view of the above, the present petition is disposed of as not maintainable on account of lack of jurisdiction. All the rights and contentions of the parties are reserved.

7. Needless to say, the petitioner would be at liberty to invoke the jurisdiction of the jurisdictional High Court i.e. Allahabad High Court by filing appropriate petition.

8. It is noticed that *vide* order dated 9th February, 2024 passed by this Court, the impugned order was stayed, subject to deposit of Rs.7,06,797/- with the learned SCDRC within four weeks and it is informed that such amount has already been deposited with learned SCDRC and has been kept in FDR.

9. In view of the above, for a further period of four weeks from today, let no coercive process be taken in the Execution Petition in order to enable the petitioner herein to seek appropriate relief from the Jurisdictional High Court.

10. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

NOVEMBER 6, 2024/ss