

ITEM NO.57

COURT NO.12

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 16987-16988/2023

(Arising out of impugned final judgment dated 20-03-2023 in FA No. 1018/2019 and in FA No. 1036/2019 passed by the National Consumers Disputes Redressal Commission, New Delhi)

BANARSI DEVI

Petitioner(s)

VERSUS

PINK CITY HEART AND GENERAL HOSPITAL & ORS.

Respondent(s)

(FOR ADMISSION )

WITH

SLP(C) No. 17008/2023 (XVII-A)

(FOR ADMISSION and IA No.153506/2023-EXEMPTION FROM FILING O.T.)

Date : 11-09-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Hires Choudhary, Adv.  
Ms. Surbhi Sharma, Adv.  
Mr. Atul Shankar Vinod, AOR

Mr. Avnish Dave, Adv.  
Ms. Archana Pathak Dave, AOR  
Mr. Aadhar Saha, Adv.  
Mr. Parmod Kumar Vishnoi, Adv.  
Ms. Riya Sethi, Adv.

For Respondent(s) Ms. Puja Dewan, AOR  
Mr. Vizzy Aggarwal, Adv.  
Mr. Uday Seth, Adv.

Mr. S.L. Gupta, Adv.  
Mr. Varinder Kr. Sharma, AOR  
Mr. Asutosh Sharma, Adv.  
Ms. Gunjan Sharma, Adv.  
Mr. Kuldeep Singh Tomar, Adv.  
Mr. Vikas Chandra, Adv.  
Ms. Shefali Mitra, Adv.  
Mr. Himanshu Gandhi, Adv.

Ms. Megha Karanwal, AOR  
Mr/Ms. A. Mina, Adv.  
Ms. Apeksha Tiwari, Adv.  
Mr. Lalit Rajput, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

SLP(C) Nos. 16987-16988/2023

Ms. Archana Pathak Dave, learned counsel appearing for the petitioner states that although she has instructions to withdraw these petitions, however petitioner has a serious doubt as to whether which High Court to approach; the jurisdictional High Court where the State Commission had passed the order or the High Court where the National Commission is situated. The choice is of the petitioner to decide as to which High Court to approach, as per the Judgment of this Court in the case of '*M/s. Universal Sompo General Insurance Co. Ltd. vs. Suresh Chand Jain & Anr.*' passed in SLP(Civil) No. 5263 of 2023 decided on 26.07.2023.

Learned counsel for the respondents have an objection to the option being exercised by the petitioner in choosing the High Court.

In case, the respondents wish to file objection regarding jurisdiction they would be free to raise it before the High Court.

The Special Leave Petitions are dismissed as withdrawn with liberty as prayed for.

SLP(C) No. 17008/2023

Learned counsel for the petitioner(s) states that he has instructions to withdraw the Special Leave Petition to avail the remedy before the jurisdictional High Court in view of the judgment in the case of M/s Universal Sampo (supra).

Accordingly, the Special Leave Petition is dismissed as withdrawn with liberty as prayed for.

(SONIA BHASIN)  
COURT MASTER (SH)

(RANJANA SHAILEY)  
COURT MASTER (NSH)