

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.361 of 2025

Decided on: 06.07.2026

Vibha

....Petitioner

Versus

Poonam Garg & others

...Respondents

Coram

Hon'ble Mr. Justice Romesh Verma, Judge

Whether approved for reporting?

For the petitioner:

Mr. Virender Kanwar, Advocate.

For the respondents:

Mr. Gurdev Negi, Advocate.

Romesh Verma, Judge

The instant petition arises out of judgment as passed by learned District Judge, Sirmaur, District at Nahan, H.P., dated 17.03.2025, whereby the appeal preferred by the plaintiff/respondent under section 43 Rule 1 of CPC came to be allowed and the order as passed by learned Civil Judge, Nahan, District Sirmaur, dated 16.09.2024 was quashed and set aside, whereby the application filed by the plaintiff under the provisions of Order 39 Rules 1 and 2 of CPC was dismissed.

2. During the course of arguments, learned counsel for the respondent/plaintiff, on instructions, seeks permission of this Court to withdraw the civil suit along with application under Order 39 Rules 1 and 2 of CPC, which was filed before the learned Civil Judge, Nahan, District Sirmaur with liberty to file a fresh suit and application, in accordance with law.

3. The said prayer has not been opposed by learned counsel for the defendant/petitioner.

4. Consequently, in view of aforesaid facts, the respondent/plaintiff is permitted to withdraw the civil suit, which was filed before the learned Civil Judge, Nahan, District Sirmaur along with the application under Order 39 Rules 1 and 2 of CPC, with liberty to institute a fresh suit along with an application for stay, in accordance with law.

5. The learned trial Court is requested that, in case a fresh suit along with an application for stay is filed by the respondent/plaintiff, the application shall be decided expeditiously strictly in accordance with law.

6. In view of withdrawal of civil suit, orders as passed by learned Courts below, lose its efficacy and the present petition is accordingly disposed of along with pending application(s), if any.

(Romesh Verma)
Judge

6th July, 2026
(vt)