

**123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RA-CR-72-2022 in/and
CR-2892-2022
Date of decision : 29.08.2022**

Bhupinder Kaur **...Petitioner**
Vs.
Rupinder Khasaria and another **...Respondents**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mitul Singh Rana, Advocate
for applicant-respondent No.1.
Mr. Deepak Arora, Advocate
for the non-applicant/petitioner.

MANOJ BAJAJ, J.

RA-CR-72-2022

This application has been filed under Section 114 read with Order 47 Rule 1 read with Section 151 CPC seeking recalling of order dated 26.07.2022, whereby operation of the impugned order dated 17.11.2021 was stayed.

Notice in the application.

At this stage, Mr. Deepak Arora, Advocate accepts notice on behalf of non-applicant/petitioner and states that the revision petition against the impugned order is not maintainable.

On the oral request of learned counsel for the parties, the date of hearing of the main case is pre-poned to today.

Main case

This revision petition has been filed to challenge the order dated 17.11.2021 passed in Civil Suit No.416 dated 23.10.2020 by Civil Judge (Junior Division), Mukerian, District Hoshiarpur, upon an application filed by

petitioner under Order XXXIX Rules 1 and 2 CPC by respondents, whereby petitioner has been restrained from withdrawing the amount of the FDR.

Learned counsel for the petitioner states that the order impugned in the revision petition is appealable in view of Order 43 Rule 1 CPC, therefore, he does not press this revision petition and wishes to withdraw it, in order to avail the statutory remedy of appeal.

The prayer is not opposed by learned counsel appearing on behalf of respondent No.1, who further states that he does not press his review application and prays for withdrawal.

Resultantly, the petition as well as review application are ordered to be dismissed as withdrawn and it is ordered that in case the petitioner files an appeal against the order dated 17.11.2021 within next 15 days, the same shall be decided on merits.

(MANOJ BAJAJ)
JUDGE

29.08.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No