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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.R.P. 10/2024 and CM APPL. 986/2024 (Stay), CM APPL.
11201/2024 (For recalling of order dated 08.01.2024)

MAMTA BAI Petitioner
Through: Ms. Madhu, Adv.
versus

SHAMMI BHATIA & ANR. Respondents
Through: Ms. Saahila Lamba, Adv.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

% **ORDER**
22.05.2024

1. The present revision petition has been filed by the petitioner/plaintiff assailing the impugned order dated 18.11.2023 passed by the learned Trial Court, whereby her application under Order XXXIX and Rule 1 & 2 CPC has been dismissed.
2. Although request for an adjournment is made on behalf of the respondents stating that the main counsel is not available today, *ex facie*, the present revision petition is not maintainable for the sole reason that no revision lies against an order passed under Order XXXIX and Rule 1 & 2 CPC and appeal is provided in terms of Order XLIII CPC.
3. Learned counsel for the petitioner requests permission to withdraw the present revision petition with liberty to file an appropriate appeal in accordance with law. The same is allowed. This shall be without prejudice to the rights and contentions of the parties.

DHARMESH SHARMA, J.
MAY 22, 2024/sa