



\$~43

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **C.R.P. 266/2025, CM APPL.59427/2025**

NIDHI KHURANA

.....Petitioner

Through: Mr. Mukul Rawal, Adv.

versus

INDERJEET KAUR BHATIA & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

%

08.10.2025

1. The present Petition has been filed on behalf of the Petitioner under Section 115 read with Section 151 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] against the order dated 09.10.2024 passed by learned Trial Court [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Application under Order XXXIX Rule 1 and 2 of the CPC as filed by the Petitioner has been dismissed by the learned Trial Court.
2. An order under XXXIX Rule 1 and 2 of the CPC is amenable to challenge in terms of Order XLIII Rule 1 (v) of the CPC by an Appeal and not revisionary jurisdiction.
3. After some arguments, the learned Counsel for the Petitioner seeks and is granted permission to withdraw the present Petition with liberty to file an appropriate proceedings in accordance with law for redressal of his grievances.
4. The Petition is dismissed as withdrawn with liberty as prayed for. All



pending applications also stand closed.

5. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

OCTOBER 8, 2025/sr/SU