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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.R.P. 336/2025 & CM APPLs. 74952-53/2025**

SUNITA

.....Petitioner

Through: Appearance not given.

versus

BAJINDER KUMAR

.....Respondent

Through: Mr. Naresh Kumar Beniwal, Mr.
Nikhil Beniwal, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **28.11.2025**

1. The present revision petition has been filed by the petitioner [defendant No.1 in the suit] assailing the order dated 29.10.2025 passed by the learned Trial Court in CS SCJ No. 798/2025 titled "*Bajinder Kumar v. Sunita*", whereby the respondent [plaintiff in the suit] has been permitted to file a replication to the reply of the application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 ["CPC"].
2. However, in view of the proviso to Section 115(1) CPC, it is evident that no revision is maintainable against the impugned order, as the suit and proceedings would not conclude even if the order were to be made in favour of the petitioner.
3. At this stage, learned counsel for the petitioner seeks permission to withdraw the present revision petition, with liberty to avail such remedies as may be available to the petitioner, in accordance with law.



4. Accordingly, the revision petition, alongwith the pending applications, is dismissed as withdrawn, with liberty as aforesaid. It is made clear that this Court has not expressed any opinion on the merits of the petitioner's case.

PRATEEK JALAN, J

NOVEMBER 28, 2025

'Bhupi'/SD/