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

FAO-4056-2025 (O&M)
Date of decision: 29.01.2026

M/s TCY Learning Solutions Pvt. Ltd.

...Appellant

Versus

M/s Exoways Web Technologies Private Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sunil Chadha, Sr. Advocate with
Ms. Taanvi Dhull, Advocate for the appellant.

Mr. Jatinder Kumar Kansal, Advocate for
Mr. Abhinav Gupta, Advocate for the respondents.

VIKAS BAHL, J. (ORAL)

1. Challenge in the present appeal is to the order dated 01.04.2025, whereby an application filed by the appellant-plaintiff under Order 39 Rule 1 and 2 CPC has been dismissed.

2. Learned Senior Counsel for the appellant has submitted that subsequent to the decision of the trial Court, certain subsequent events have taken place and thus, he seeks permission of this Court to withdraw the present appeal with liberty to the appellant to file a fresh application under Order 39 Rule 1 and 2 CPC after incorporating the said subsequent events.

3. Learned counsel for the respondents has submitted that in case the appellant files fresh application under Order 39 Rule 1 and 2 CPC then



liberty be granted to the respondents to raise all the pleas which are available to them with respect to maintainability and also on merits.

4. In view of the above, the present appeal is dismissed as withdrawn with liberty to the appellant to file a fresh application under Order 39 Rule 1 and 2 CPC after incorporating the subsequent events.

5. It is made clear that this Court has not opined on the maintainability or merits of the said application which the appellant proposes to file and it would be open to all the parties to raise all the pleas in accordance with law in support of and against the said application and the trial Court would decide the same independently, in accordance with law.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

29.01.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No