



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-1766-2025(O&M)

Date of decision : 24.03.2025

Subhash Chander @ Subhash Goyal

... Petitioner

Versus

Pushpa Devi

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sajeev Kumar, Advocate for
Mr.Jitender Singh Dadwal, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 29.01.2025 passed by the Civil Judge (Sr.Div.), Ludhiana, vide which the application filed by the petitioner for vacating the stay granted vide order dated 19.07.2024 has been dismissed.

2. Learned counsel for the petitioner has submitted that the impugned order has been passed under Order 39 Rule 4 CPC and thus, the said order is appealable under Order XLIII Rule 1 sub rule (r) and has further submitted that as per the law laid down by the Hon'ble Supreme Court of India in "*A. Venkatasubbiah Naidu vs. S. Chellappan*" reported as *2000(7) SCC 695*, the orders passed under Order 39 Rules 1 and 2 CPC are appealable and thus, prayed that the petitioner be permitted to withdraw the present petition with liberty to file an appeal, in accordance with law.

3. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

March 24, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No