

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT SRINAGAR**

CR No. 19/2025  
CM No. 2715/2025

**Jehangir Mushtaq**

..... Petitioner (s)

Through: Mr. Mir Majid Bashir, Adv.

V/s

**Jalal ud din Bhat and Ors.**

..... Respondent(s)

Through:

**Coram:**

**Hon'ble Mr. Justice Sanjay Dhar, Judge**

**ORDER**

06.05.2025

Confronted with the legal position that an order under Rule 9 of Order 22 of CPC refusing to set aside abatement or dismissal of the suit is appealable in nature in terms of order 43 Rule 1(k) of the Code of Civil Procedure, learned counsel for the petitioner seeks permission of this court to withdraw this revision petition with liberty to file appeal against impugned order passed by the learned trial court.

In view of the above, the petition is dismissed as withdrawn with leave and liberty as prayed for.

Having regard to the fact that the petitioner has filed present petition under a bonafide impression that the impugned order is revisable in nature, the learned trial court, shall take this fact into account, at the time of considering the application for condonation of delay which the petitioner may have to file along with the appeal against the impugned order.

**(Sanjay Dhar)**  
**Judge**

**SRINAGAR**

06.05.2025

*Aasif*