Serial No. 156

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CM(M) No. 203/2026
CM No. 6876/2026
CAV No. 1962/2026

M/s White Hotel Proprietor ….. Appellant(s)/Petitioner(s)
Shammee Salaria Th. His Attorney
Holder Shuban Ji Raina

Through: Mr. Amarvir Manhas, Advocate

vs

Baldev Raj Sharma ….. Respondent(s)

Through: Mr. Ajay Bakshi, Advocate for Caveator

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
29.09.2026

1. Learned counsel for the Caveator has raised an objection with regard to the maintainability of the present petition on the ground that an order passed by the Executing Court under Rule 98 or Rule 100 of Order XXI of CPC is appealable as if it were a decree, therefore, the present petition under Article 227 of the Constitution of India is not maintainable.

2. Faced with the aforesaid objection, learned counsel for the petitioner seeks permission of this Court to withdraw this petition with leave and liberty to file an appeal against the impugned order before the appropriate forum

3. Accordingly, the petition is **dismissed as withdrawn** with leave and liberty, as prayed for.

(SANJAY DHAR)
JUDGE

Jammu
29.09.2026
Neha-II

NEHA KUMARI
2026.09.29 17:01
I attest to the accuracy and
integrity of this document