

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CR No. 108 of 2019**

- Heeramani Shukla S/o Late Raghunath Prasad Shukla Aged About 65 Years Retired Sr. Manager, Gramin Bank, R/o Shivghat, Sarkanda, Bilaspur, Tahsil And District Bilaspur Chhattisgarh

---- Applicant**Versus**

1. State Of Chhattisgarh Through The Collector, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Additional Tahsildar Bilaspur Chhattisgarh
3. Krishna Kumar Agrawal S/o Pardeshi Lal Agrawal Aged About 62 Years R/o Nehru Nagar, Ameri Road, Bilaspur, Tahsil And District Bilaspur Chhattisgarh

---- Respondents

For Applicant	:	Shri Ravindra Sahu, Advocate
For Respondent / State	:	Shri D.C. Verma, Advocate
For Respondent No.3	:	Shri Brijendra Singh, Advocate

Hon'ble Shri Justice Deepak Kumar Tiwari**Order On Board****25/10/2021**

The applicant filed an application for unconditional withdrawal of his plaint before learned Trial Court but as the application was rejected, this revision has been filed today. Counsel for respondent No.3 submits that earlier, he has withdrawn his counter claim but looking to the changed circumstances, he wants to file counter claim.

2. After hearing counsel and perusing impugned order, this Court agrees with a view of learned counsel for the applicant that as per the provisions of '*dominus litus*' the plaintiff is at liberty to continue or not to continue his suit and if he files an application for withdrawal unconditionally under Order 23 Rule 1 CPC, then no formal order of the Court is also required and normally such application is allowed as defendant has already withdrew his counter claim in the said suit. Therefore, if he wishes, he may file fresh suit in accordance with law.

3. Reserving the said liberty as non-applicant wants to file fresh suit, he may bring such fresh suit in accordance with law, this revision is disposed off.

Sd/-
(Deepak Kumar Tiwari)
Judge