

ORDER

The present memo dated 02.05.2025 is filed by the plaintiff stating that he **does not intend to prosecute the suit** and therefore prays that the same may be **dismissed as not pressed**.

The learned counsel for the plaintiff submits that, due to certain personal reasons, the plaintiff is not willing to proceed further with the present

proceedings and hence seeks permission to withdraw the same.

The defendant, however, has filed **objections to the memo**, contending that the suit was filed with **false and frivolous allegations** only to harass the defendant and cause unnecessary hardship. It is urged that the plaintiff, having dragged the defendant into litigation, should not be permitted to withdraw the suit without imposing costs.

I have carefully perused the memo, the objection, and the records of the case.

It is a settled principle of law that a **plaintiff is dominus litis**, and it is always open to him to withdraw or not press the suit at any stage before the decree is passed. When the plaintiff expresses an unequivocal intention not to prosecute the suit, the Court cannot compel him to continue with it.

However, the Court has the discretion to impose **appropriate costs** to compensate the defendant for any inconvenience or expenses incurred due to the plaintiff's conduct.

In the present case, though the defendant has alleged harassment, there is no separate counter-claim or any independent relief sought by the defendant. Therefore, there is **no legal impediment** to allow the memo.

Considering the nature of the suit being one for **bare injunction**, and the stage at which the memo is filed, this Court is of the view that the ends of justice would be met by dismissing the suit as not pressed with nominal cost to the defendant.

ORDER

The **memo filed by the plaintiff** to dismiss the suit as **not pressed** is **accepted**. Accordingly, the suit is **dismissed as not pressed**.

The plaintiff shall pay **costs of Rs. 1500/-** to the defendants.

Sd/-

(Thahkaleel K.A.)

II. Addl. Civil Judge and JMFC

Kadur.