



order of the High Court of Andhra Pradesh at Hyderabad dated 14th August, 2008. By the impugned order, the High Court has rejected the revision petition Nos.3024 & 3025 of 2008 against the order dated 23rd June, 2008 passed by the learned Judge, Family Court, Hyderabad.

It appears that the appellant-husband filed O.P. No.609 of 2007 for restitution of conjugal rights against his wife but later he filed two applications, I.A. No.365 of 2008 seeking permission to withdraw the above O.P. and I.A. No.366 of 2008 under section 151 of CPC to delete the concept of joint trial of O.P. No.609 of 2007 along with O.P. No.610 of 2007 because he filed I.A. No.365 of 2008 for withdrawal of O.P. No.609 of 2007. These applications

-2-

were dismissed by a common order dated 23.6.2008 by the Family Court, Hyderabad.

It is settled law that the petitioner/plaintiff is a dominus litus. Hence, if he wishes to withdraw his suit/petition, he can always do so because he has paid the court fee on the same. If he does not wish to pursue his case nobody can stop him from withdrawing it.

Hence, we accept these appeal, set aside the impugned order of the High Court dated 14th August, 2008 passed in the revision petitions as well as the order of the Family Court, Hyderabad dated 23rd June, 2008, allow the I.A. Nos.365 and 366 of 2008. O.P. No.609 of 2007 is ordered to be dismissed as withdrawn. No costs.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
OCTOBER 30, 2009.

.....J.  
[ASOK KUMAR GANGULY]