

Advocate for defendant no.2(a) and (b) have filed application under order 1 rule 10(6) R/w 151 of CPC to transpose the defendant no.2(a) and (b) as plaintiff no.2 and 3.

In the affidavit it is contended that these defendants have no wordily knowledge and the plaintiff and defendant no.3 colluding have filed the joint memo before the court and have compromised living these defendants.

Advocate for plaintiff presents and submits he has no objection, if these defendants contest the suit and that the plaintiff has already received his share amount from defendant no.3 and he has no interest in prosecuting the suit.

Perused the order sheet, joint memo has been filed and one of the legal heir of defendant no.2(c) is said to have receive the share amount also belonging to these defendants. Hence, these defendant no.2(a) and (b) have made out case to get transposed as plaintiff no.2 and 3 to contest the suit as it is submitted that the defendant no.2(c) has not given any share to these defendants. Hence, this suit being the partition and the defendants also claiming for share can also be considered as plaintiffs as there is no conflict of interest. Hence, proceeds to pass the following:

ORDER

The application filed U/O 1 rule 10(6) R/w 151 of CPC is hereby allowed.

The defendant no.2(a) and (b) are hereby transposed as plaintiff no.2 and 3.

For amendment and amended plaint and issue court notice to defendant no.3 by 25.08.2022.