

ORDER BELOW APPLICATION (EXH. 50)
IN SPECIAL CIVIL SUIT No. 301/2023

Defendant no. 6 filed the application of transposition and prayed to transpose her in array of plaintiff. She further contended that, she wanted to seek the same reliefs as prayed by the plaintiff in the suit. In the payment receipt, the plaintiff and defendant no. 6 gave amount regarding the suit property to defendant nos. 1 to 4. As per written statement of defendant no. 6, she seek same reliefs as contended by the plaintiff in his plaint. In such circumstances and for other reasons mentioned in the application, she prayed to allow her application.

2. The plaintiff filed his say overleaf of the application and gave no objection for allowing the present application.

3. The defendant no. 5 filed his say vide Exh. 54 and resisted the application of the applicant. He further submitted that the application filed by the defendant no. 6 is not genuine and devoid of merits liable to be rejected.

4. Defendant nos. 1 to 4 have not file their say on the present application. Hence, the application proceed without their say.

5. Heard both sides and perused the documents.

6. The plaintiff is filed the present suit specific performance for execution of sale-deed and perpetual

injunction. On going through the plaint of the plaintiff, he specifically mentioned in his plaint para no. 10 that, the payment receipt dated 13.05.2019 between the plaintiff and defendant nos. 1 to 4 is also signed by defendant no. 6, and since defendant no. 6 is not available to sign the present suit, due to said technical difficulty in the suit, defendant no. 6 has been included as a defendant in the suit and the plaintiff has no claim against defendant no. 6.

7. To effectively adjudicate the substantial questions of law involved in the present suit and to avoid multiplicity of proceedings, it is just and necessary that defendant no. 6 be transposed as a plaintiff. The interests of the plaintiff and defendant no. 6 are identical, and they mutually support each other's claims. They seek similar reliefs against the remaining defendants, and their cause of action is common. Hence, in the interest of justice and for complete and effective adjudication of the matter, the transposition is warranted and the application deserves to be allowed. Hence, order -

ORDER

- 1) Application (Exh. 50) is allowed.
- 2) The defendant no. 6 to be transposed as plaintiff no. 2.
- 3) Amendment be carried out immediately and filed amendment plaint.

Date :- 25/07/2025

(Yashshree Marulkar)
Civil Judge Sr. Division,
Igatpuri.