

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
AT CHENGALPATTU

Present: Thiru.A.Saravanakumar.,B.A.B.L.,
Additional District Judge,
Chengalpattu.

Wednesday, the 11th day of March 2026

I.A.No.1/2024

in

O.S.No.42/2018

CNR.No:TNCG01-000329-2018

1.Mrs.Sumithra

2.Meganathan

...Petitioners/Plaintiffs 2 & 3

-Vs.-

1.Mrs.G.Jeeva Ammal

2.E.Emperumal

3.K.Baskaran

4.K.Elumalai

5.M/s.Case Granda Civil Engineering Pvt. Ltd.,

Represented by its Authorised Signatory

...Respondents /Defendants 1 to 5

6.Mrs.Vijayalakshmi

... Respondent/1st Plaintiff

This Petitions coming before this court on 9.2.2026 for final hearing in the presence of M/s.D.Gopinathan, counsel for the Petitioners/Plaintiffs 2 & 3 and M/s K.Varadharajan, S.Sarma and N.Gayathri, Counsel for the 6th respondent/ 1st plaintiff and Respondents 1 to 4 were remained ex parte

in suit and Mr. V.Nandhakumar, counsel for 5th respondent and counter not filed and upon hearing the arguments of both sides and perusing the material records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

This petition is filed under Order 1 Rule 10(2) of CPC to Transpose the 1st plaintiff as 6th defendant in the suit.

1. The petition and counter perused.
2. Both sides heard.
3. The points for consideration:

Upon perusing the petitions and counters this court has framed the following point for consideration

“Whether the petition is to be allowed as prayed for”?

4. Answer to the point:

This is an application under Order 1 Rule 10 (2) CPC to transpose the 1st plaintiff as 6th defendant in the original suit. The 1st petitioner is the 2nd plaintiff in the original suit. He has filed the affidavit for herself and on behalf of the 3rd plaintiff. The petitioners submit that after the filing of original suit the 1st plaintiff namely Vijayalakshmi is acting against interest of 2nd and 3rd plaintiffs and she is indirectly supporting the defendants. Therefore, the petitioners submitted that the 1st plaintiff may be transposed as 6th defendant.

5. In order to refute the said allegations, the 1st plaintiff/6th

respondent submitted that she is one of the co-plaintiffs who has jointly instituted the present suit and her position as plaintiff cannot be altered as per the whims and fancies of the petitioners. The difference of opinion among co-plaintiffs does not extinguish her rights, and it cannot be a ground for transposition unless the plaintiff has withdrawn or abandoned the suit. Therefore, she submits that the petition may be dismissed. The learned counsel for the 1st plaintiff/6th respondent has also filed written arguments emphasizing the said contention.

6. This court has considered the submissions of the respective sides. As per the Order 23 Rule 1(A) CPC deals about transposition of defendant as plaintiffs. It states that where a suit is withdrawn or abandoned by a plaintiff under rule 1 and a defendant applies to be transposed as plaintiff under Order 1 Rule 10, the court can transpose him as defendant. However, where there is conflict of interest between the plaintiffs there is no specific rule to transpose one of the plaintiffs as defendant. The only available remedy to the one of the plaintiffs to transpose another plaintiff as defendant is to file an application under Order 1 Rule 10(2) CPC to add or strike out him as party. It is general rule that a transposition of one of the plaintiff as defendant cannot be simply allowed, unless a strong case is made out. In the case on hand, though the petitioners stated that the 1st plaintiff is acting against the interest of them and supporting the defendants except bald averments in this respect, no substantial averments are made as to how the 1st plaintiff acted against their interest. In the absence of any

such prima facie averments, this court cannot allow the application by mere asking. Therefore, this court is of the view that it is not a fit case to allow the application.

In the result, the petition is dismissed. No cost.

Dictated to the Shorthand writer and typed by her and corrected and pronounced by me in open Court, this the 11th day of March 2026.

Additional District & Sessions Judge
Chengalpattu.

Both sides Exhibits and Witnesses: Nil

Additional District & Sessions Judge
Chengalpattu.

Draft/Fair Order
I.A.No.1/2024 in
O.S.No.42/2018
Dated:11.03.2026
ADJ/CPT
