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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 101/2019**

SHRI MAHENDER SINGH

.....Plaintiff

Through: Mr. Amit Sherawat, Adv.
for plaintiff and
applicant/defendant no.4
(M:9810147210)

versus

SMT. MAYA DEVI & ORS.

.....Defendants

Through: Mr. Hitendar Mahal, Adv.
(through VC) and Mr.
Vishal Tanwar, Adv. for D-
1 to 3.

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. GAGANDEEP
JINDAL (DHJS)**

ORDER

03.11.2025

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Proceedings are being conducted through hybrid mode.

**I.A. No. 16382/2025 (u/O XXIII Rule 1A r/w Section 151
CPC for transposition of D-4 Vijay Singh as plaintiff
no.2)**

1. Ld. Counsel for the plaintiff and applicant submits that in the partition suit every party is plaintiff as well as defendant. The plaintiff is suffering from cancer and he is not in a position to pursue the case. Therefore, the applicant i.e. defendant no. 4 may be transposed as plaintiff no. 2.
2. Ld. Counsel for the defendant submits that he has only the objection to the averments made in the application that some of the properties as mentioned in the captioned IA have already been partitioned. He further submits that



defendant no. 4 has not paid the court fee. Therefore, the captioned IA cannot be allowed.

3. Heard. It is settled law that in a partition suit every plaintiff is a defendant and vice versa.
4. Considering the submissions made in the captioned IA, defendant no. 4 is transposed as plaintiff no.2. The other defendants can raise the objections with regard to non payment of court fee by defendant no. 4 (now plaintiff no.2) by moving appropriate application u/O 7 Rule 11 CPC.
5. The captioned IA is disposed off accordingly.

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6. Plaintiffs are directed to file amended memo of parties with two weeks.
7. At request, re-notify the present matter before the Hon'ble Court on the date already fixed i.e. **1st December, 2025.**

GAGANDEEP JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)
NOVEMBER 3, 2025/PU

Click here to check corrigendum, if any