

Aneeroodh vs. Pradhyuman Singh & Ors.

Civil Suit No.23 of 2016.

25.03.2025 Present: None for the plaintiff.
Mr. Nitin Thakur, Advocate, for defendant No.1.
Mr. Ashok Sood, Senior Advocate with Ms. Pooja Verma, Advocate, for defendant No.1.

OMP No. 146 of 2024.

This application has been filed by the applicant/defendant No.2 for his transposition as plaintiff.

2. It is averred that the plaintiff, defendant No.1 and the applicant/defendant No.2 are real brothers and co-sharers in the suit property. The suit has been filed by the plaintiff for partition of the joint properties. Local Commissioners were appointed by this Court for suggesting partition by metes and bounds. The report was prepared and submitted by the Local Commissioners but since the applicant/defendant No.2 has certain reservations about this report, he has submitted objections which are pending adjudication by way of OMP No. 353 of 2023.

3. It is also averred that after the aforesaid proceedings, the plaintiff has stopped prosecuting the

suit. Learned counsel representing the plaintiff has pleaded no instructions on 04.12.2023.

4. Record reveals that the notices were issued to the plaintiff by this Court but despite service plaintiff has not appeared.

5. In the above backdrop, the prayer for transposition by the applicant/defendant No.2 has been made.

6. His contention is that since the suit is for partition of joint properties , his transposition as plaintiff more particularly when the original plaintiff has stopped to appear in the case, will be in the interest of all the parties. It is further submitted that in a partition suit, all the parties can act as plaintiff and vice-versa.

7. Application is being opposed by defendant No.1 on the ground that on 21.12.2022, all the parties including the present applicant/defendant No.2 had agreed to abide by the partition suggested by the Local Commissioners but since the applicant/defendant No.2 has now filed objections, his prayer for transposition cannot be allowed.

8. The objection of defendant No.1 appears to be without substance for the reason that the transposition of defendant No.2 as plaintiff will not in

any manner affect the rights of respective parties, which are yet to be decided in the pending suit.

8. Since, there is no dispute that all the parties to the suit including the applicant/defendant No.2 have their respective shares in the joint properties and the suit being one for partition of such properties, no prejudice shall be caused to any of the non-applicants in case the application is allowed. Accordingly, the application is allowed and the applicant/defendant No.2 is ordered to be transposed as plaintiff along with the original plaintiff and they will be shown in the memorandum of parties as plaintiffs No.1 and 2 respectively. Amended memo of parties be filed within four weeks.

9. Application stands disposed of.

(Satyen Vaidya)
Judge

25th March, 2025.
(Jai)

Desh Raj vs. State of H.P. & Ors.

**CWP No. 4304 of 2021 along with CWP Nos. 271,
4200 and 6348 of 2023.**

25.03.2025 Present: Mr. Nitin Thkur and Mr. Udit Shaurya Kaushik, Advocates, for the petitioners in CWP No. 4304 of 2021 and for petitioners in CWP Nos. 271, 4200 and 6348 of 2023.

Mr. Hemant K. Verma, Dy. A.G., for the respondents-State.

Instructions dated 24.03.2025 have been placed on record today. According to which the respondents have sought two weeks' time to impart appropriate instructions.

List on 24th April, 2025.

**(Satyen Vaidya)
Judge**

25th March, 2025.
(Jai)