

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S). _____ OF 2026
[@ SLP (C) NO. 5450 OF 2026]

BHAGWAN MISHRA

Appellant(s)

VERSUS

RAMESH SALUJA & ORS.

Respondent(s)

O R D E R

1. Leave granted.

2. This appeal by way of special leave is directed against the order dated 18.11.2025 passed by the High court by which it has affirmed the order of the Trial Court dated 29.07.2025 rejecting the application seeking amendment of the plaint which was filed by the appellant after his transposition as a plaintiff.

3. The facts leading to the filing of this appeal in the nutshell are that the original plaintiff has instituted a suit on 20.06.2016 seeking the relief of declaration of title, in which the appellant was arrayed as defendant no. 1. The original plaintiff passed away on 25.11.2020. After his death, the appellant filed an application for his transposition as plaintiff, which was allowed by the Trial Court by an order dated 29.06.2022.

4. Thereafter, the appellant filed a fresh plaint for

substituting the plaint filed by the Original Plaintiff. The said fresh plaint was rejected by the Trial Court by an order dated 17.04.2023 which order was affirmed by the High court on 08.01.2025. Thereafter, the appellant filed an application seeking amendment of the original plaint under Order VI Rule 17 of the CPC on 09.06.2025. The Trial Court by order dated 29.07.2025 rejected the said application, which has been affirmed by the High Court by the order impugned before us.

5. Heard the learned counsel for the parties at length. Before proceeding further, it is apposite to take note of the Order XXIII Rule 1A and Order I Rule 10 of the CPC which are extracted hereinbelow for the facility:

Order XXIII Rule IA

1A. When transposition of defendants as plaintiffs may be permitted.—Where a suit is withdrawn or abandoned by a plaintiff under rule 1, and a defendant applies to be transposed as a plaintiff under rule 10 of Order I, the Court shall, in considering such application, have due regard to the question whether the applicant has a substantial question to be decided as against any of the other defendants.

Order I Rule 10

10. Suit in name of wrong plaintiff.—(1) Where a suit has been instituted in the name of the wrong person as plaintiff or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may at any stage of the suit, if satisfied that the suit has been instituted through a bona fide mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person to be substituted or added as plaintiff upon such terms as the Court thinks just.

(2) Court may strike out or add parties.—The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

(3) No person shall be added as a plaintiff suing without a next friend or as the next friend of a plaintiff under any disability without his consent.

(4) Where defendant added, plaint to be amended.—Where a defendant is added, the plaint shall, unless the Court otherwise directs, be amended in such manner as may be necessary, and amended copies of the summons and of the plaint shall be served on the new defendant and, if the Court thinks fit, on the original defendant

(5) Subject to the provisions of the Indian Limitation Act, 1877 (15 of 1877), section 22, the proceedings as against any person added as defendant shall be deemed to have begun only on the service of the summons.

6. On conjoint reading of the Order XXIII Rule 1A and Order I Rule 10 of the CPC, it is evident that once the party is transposed as either the plaintiff or defendant, he acquires the status as such. In the absence of any legal impediment, we see no reason as to how he can be precluded from seeking an amendment of the plaint.

7. The impugned order is therefore quashed and set aside. Needless to state the respondents shall have the liberty to seek consequential amendment, if they are so advised.

8. The Civil Appeal is, accordingly, disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
FEBRUARY 27, 2026

ITEM NO.54

COURT NO.6

SECTION XVII-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 5450/2026

[Arising out of impugned final judgment and order dated 18-11-2025 in CMP No. 1041/2025 passed by the High Court of Jharkhand at Ranchi]

BHAGWAN MISHRA

Petitioner(s)

VERSUS

RAMESH SALUJA & ORS.

Respondent(s)

IA No. 40414/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 27-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
 HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) :Mr. Abhinav Kathuria, Adv.
 Ms. Nisha Thakur, Adv.
 Ms. Anisha Upadhyay, AOR

For Respondent(s) :Mr. Bhaskar Aditya, AOR
 Mr. Arpit Khandelwal, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

1. Leave granted.
2. The Civil Appeal is disposed of in terms of the Signed Order.
3. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
 COURT MASTER (SH)

(MANOJ KUMAR)
 COURT MASTER (NSH)

(Signed Order is placed on the file)