

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 6742 of 2014 (O&M)
Date of decision: April 20, 2015

Jagatjit Singh Ahluwalia

...Petitioner

Versus

Ramjit Singh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. Ramesh Kumar Sharma, Advocate,
for the petitioner.

Ms. Rishma Verma, Advocate,
for the respondents.

K. KANNAN, J. (Oral)

1. One of the co-plaintiffs sought for transposition as a defendant. The parties were brothers and sister and the person seeking for transposition is the sister. The defendant brother did not have an objection and the court recorded the said fact and allowed the transposition, but at the same time granted time to file a reply in the application for transposition to the co-plaintiff and set the case for hearing on another date. On that date, the court noticed that it had already allowed the transposition application and, therefore, held that there was no requirement for hearing the plaintiff. The 1st plaintiff is the revision petitioner.
2. The procedure followed by the court below is clearly wrong but all the same if one of the plaintiffs does not want to prosecute the case, in

the interest of the 1st plaintiff himself, the best situation could only be to transpose the 2nd plaintiff who did not want to prosecute the case. An application for transposition is an expression of unwillingness to prosecute the case along with the 1st plaintiff. No exception could be taken to the ultimate order allowing for transposition. An unwilling plaintiff cannot be permitted to prosecute the case along with a willing plaintiff who wants to prosecute the case.

3. The revision petition is dismissed of being devoid of merit.

April 20, 2015
prem

(K.KANNAN)
JUDGE