

A.No.1285 of 2021
in C.S.No.572 of 2015

N.SESHASAYEE. J.,

The present Application is filed to transpose the second plaintiff as the third defendant.

2.This suit is laid for partition. It is alleged that the second plaintiff who was originally sailing with the first plaintiff has taken an independent stance *vis-a-vis* the cause of action of the suit. It is inconsistent with the common right that was originally claimed by him along with the first plaintiff.

3.Heard the learned counsel for the second plaintiff. The learned counsel submitted in categorical terms that the second plaintiff is no more sailing with the first plaintiff.

4.It is apparent that when two plaintiffs do not go together. Necessarily, that plaintiff who is not in agreement with the other plaintiff has to be arrayed only as a defendant. Hence, this Court finds merit in this Application.

N.SESHASAYEE. J.,

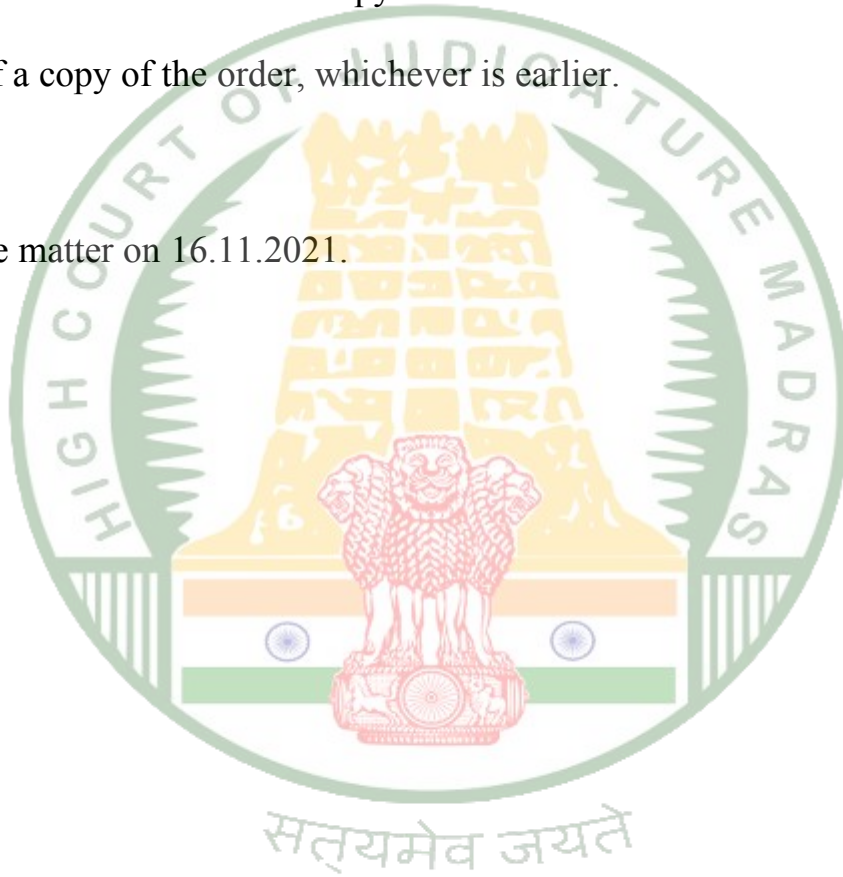
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5.This Application is accordingly allowed. The plaintiff is directed to carry out necessary amendment in the plaint within a period of two weeks from the date on which the order copy is hosted in the official website or on receipt of a copy of the order, whichever is earlier.

6.Post the matter on 16.11.2021.

25.10.2021

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