



A No. 5259 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

A No. 5259 of 2025

IN

CS NO. 125 OF 1996

R.Shanmugasundaram
S/O.Late P.S.RAJASEKARAN,
NO.1/233, PONNIAMMAN KOIL
STREET, MADIPAKKAM, CH-600
091.

Applicant(s)

Vs

P.S.Rajasekaran (Decd) 1.P.S.Sendilvel
Murugan
S/o.Late Sivam, No.12, Veda Vinayagar
Street, Avadi, Chennai 600 054.

Respondent(s)

Prayer: This application is filed under Order XIV Rule 8 of the Original Side Rules for application filed under Order XXIII Rule 1-A of Civil Procedure Code, praying to allow to transpose the 2nd and 3rd plaintiffs in to defendants 16 and 17 in the above suit in C.S.No.125 of 1996 pending before this court rank them as defendants 16 to 17 in the above C.S.NO.125 of 1996 on the file of this Court.

For Applicant(s): D.Esther Priya



For Respondent: Mr.D.Nellappan for RR1 and 2
for Adinarayanarao.

ORDER

This application has been filed by the fourth plaintiff seeking to transpose the second and third plaintiffs as defendants 16 and 17 in C.S. No. 125 of 1996. The learned counsel for the petitioner submitted that the present application has been filed under the instructions of plaintiffs 2 and 3.

2. However, the learned counsel appearing for the plaintiffs has stoutly denied the representation made by Ms. D. Esther Priya, learned counsel on behalf of the fourth plaintiff.

3. At the outset, it is to be noted that there cannot be separate counsel representing each of the plaintiffs. If there exists any conflict of interest among the plaintiffs, and on account of such conflict they wish to take divergent stands, it is for the plaintiffs themselves to decide whether they intend to continue as plaintiffs or to be transposed as defendants. One plaintiff cannot seek to transpose the other plaintiffs as defendants.

4. Had the second and third plaintiffs themselves filed an application expressing their willingness to be transposed as defendants, such a request could have been considered. However, the present application has been filed by the



fourth plaintiff, seeking such transposition on their behalf, which is impermissible.

WEB COPY

5. If the fourth plaintiff does not wish to proceed jointly with the other plaintiffs and desires to engage separate counsel, the appropriate course for him would be to file an application seeking his own transposition as a defendant. He cannot, however, dictate terms to the other plaintiffs.

6. As the application has not been filed in a proper manner by the applicant by seeking appropriate relief as stated above, the application stands **rejected.**

27-10-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

A No. 5259 of 2025



R.N.MANJULA J.

jrs

A No. 5259 of 2025

IN CS NO. 125 OF 1996

27-10-2025