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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 97/2019**

BHULURANI MAJUMDAR

.....Appellant

Through: Ms. Gunjan Sharma along with
Appellant in-person.

versus

SHIPRA CHAKRABORTY & ORS

.....Respondents

Through: Mr. Mansoor Ansari, Mr.
Mayank Nagi, Advs. for R-1.
Mr. Shlok Chandra and Mr.
Udit Dad, Advs. for R-2
Mr. S. K. Bhaduri, Ms. Neetu
Gupta and Ms. Shreyangana
Bag, Advs. for R-5.

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+ **FAO(OS) 122/2019**

SAMIR MAJUMDAR

.....Appellant

Through: Mr. S. K. Bhaduri, Ms. Neetu
Gupta and Ms. Shreyangana
Bag, Advs.

versus

ANITA ROY & ORS

.....Respondents

Through: Mr. Mansoor Ansari, Mr.
Mayank Nagi, Advs. for R-2
Mr. Shlok Chandra and Mr.
Udit Dad, Advs. for R-4 & 5.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

04.12.2025

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1. In this Appeal, the limited grievance of the Appellant is with regard to the observation made in paragraph nos.24 and 25 of the Impugned Order dated 11.03.2019, which read as under:

“24. Since the defendant No.2 Shipra Chakraborty is ready and



willing to take the responsibility of the Mother, it is ordered that the defendant No.2 Shipra Chakraborty may look after the mother as is sought. It is informed I that the pension being received is of Rs.8,000/- per month only.

25. Considering the value of the pension, the defendant No.2 Shipra Chakraborty is also permitted to operate the pension accounts, subject to keeping accounts and filing the accounts in this Court every six months.”

2. Learned counsel representing the Appellant submits that the Impugned Order dated 11.03.2019 has been passed without granting an opportunity to the Appellant. Learned counsel representing the Respondents do not dispute this fact.

3. Accordingly, the directions in paragraph nos.24 and 25 are hereby set aside, while leaving it open to the learned Single Judge to pass fresh order(s) after hearing the Appellant.

4. In view of the foregoing observation, this Appeal is disposed of.

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5. Through this Appeal, the Appellant assails the correctness of Impugned order dated 11.03.2019 passed by the learned Single Judge, while allowing the request of the Appellant [Defendant No.4 before the learned Single Judge] to transpose him as Plaintiff in the suit.

6. It is noted that the original Plaintiff had filed the suit for declaration, partition, permanent and mandatory injunction. In the said suit, all the parties in this Appeal are Plaintiffs as well as Defendants.

7. The original Plaintiff had also filed an application before the learned Single Judge seeking permission to withdraw the suit. Thereafter, the Appellant/Defendant filed an application for transposing him as Plaintiff in the suit and the same was allowed by the learned Single Judge.



8. Learned counsel representing the Appellant submits that the aforesaid application was listed for hearing before the learned Single Judge on the next day for adjudication, however, the learned Single Judge allowed the same on 11.03.2019.

9. It is also to be noted here that the Court was called upon to allow the application on 11.03.2019 in view of the fact that the suit was sought to be withdrawn by the original Plaintiff. If the Court had delayed the decision on the aforesaid application, it would have caused irreversible position/situation.

10. Accordingly, this Court finds no infirmity with the Impugned Order. This Appeal is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

DECEMBER 04, 2025

jai/dev