



2025:DHC:11651-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on:16.12.2025

Judgment pronounced on:22.12.2025

Judgment uploaded on:22.12.2025

+ FAO(OS) NO. 71/2024
VIJAY VERMA

.....Appellant

Through: Mr. Hari Shankar Jain, Mr.
Vishnu Shankar Jain, Mr. Parth
Yadav and Ms. Mani Munjal,
Advs.

versus

INDIRA WARMAN & ORS.

.....Respondents

Through: Mr. Ravinder Singh, Ms.
Raveesha Gupta, Mr. Ritvik
Bhardwaj and Ms. Nishita
Kushwaha, Advs. for R-2 to R-
6.

Mr. Kunal Kher, Adv. for R-14.
Mr. Amit Singh Chauhan and
Mr. Arindam Bharadwaj, Advs.
with Ms. Zainab Zehra Kazmi,
Legal Assistant for R-
15/DSI IDC.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

J U D G M E N T

ANIL KSHETARPAL, J.

1. Through the present Appeal, the Appellant/Defendant No.8 assails the correctness of the Order dated 29.02.2024 [hereinafter referred to as 'Impugned Order'], whereby the prayer of the Defendant No.8 to be transposed as Plaintiff No.2 has been rejected by the learned Single Judge.

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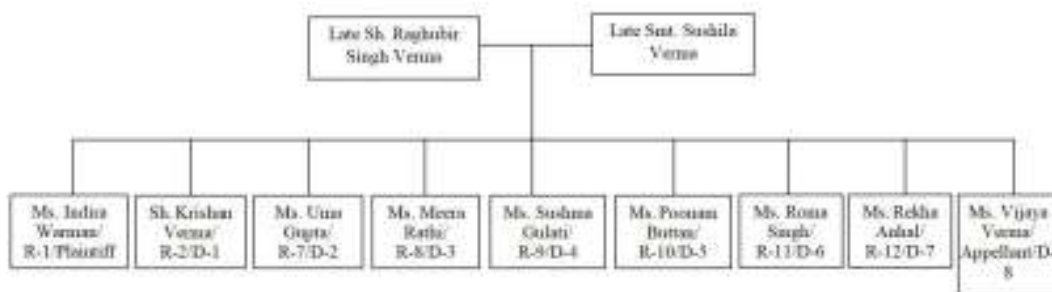


2. For the sake of convenience, the parties shall be referred to by their status and rank in the suit, i.e., CS(OS) No.2137/2006.

FACTUAL MATRIX:

3. In order to comprehend the issues involved in the present case, relevant facts, in brief, are required to be noticed.

4. The genealogical chart of the family, indicating the array of parties and their corresponding position in the suit as well as in the present Appeal, is extracted hereinbelow:



5. Sh. Raghubir Singh Verma and Smt. Sushila Verma died intestate on 13.11.1989 and 20.06.2005, respectively. The immovable properties left behind by the deceased parents comprise property bearing No. A-181, Defence Colony, New Delhi; and Plot Nos.30 and 201, Okhla Industrial Estate, Phase-III, New Delhi [hereinafter collectively referred to as the 'suit properties'].

6. The underlying civil suit, CS(OS) No.2137/2006, was instituted by the Plaintiff/Respondent No.1, Smt. Indira Warman, seeking partition and division by metes and bounds of the suit properties, along with the rendition of accounts and *mesne* profits.

7. Defendant No.1/Respondent No.2 has contested the suit by

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setting up an alleged Will dated 15.09.1983, purportedly executed by the late Sh. Raghubir Singh Verma. It is further alleged by Defendant No.1 that the property bearing No.A-181, Defence Colony, New Delhi-110024 was mutated by L&DO on 07.11.2000, in favour of the son of Defendant No.1, Sh. Shivi Singh Verma.

8. Defendant No.8 is one of the sisters of the Plaintiff and is the legal heir of the suit property, having a 1/9th share in the suit properties along with other movable assets. Defendant No.8, in substance, supports the case of the Plaintiff for partition of the suit properties. She has also filed another suit, CS(OS) No.2028/2009, for declaration, *mesne* profit and damages, which is connected with the present suit. Common issues were framed in both suits on 30.07.2013.

9. Further, Defendant No.8 has stated that Defendant No.1 sold property bearing No. 201, Okhla Industrial Estate, Phase-III, to Respondent No.14, Texaco Overseas Pvt. Ltd., and, from the sale proceeds, purchased property bearing No. 24, Okhla Industrial Estate, Phase-III, New Delhi. It is further stated by Defendant No.8 that Defendant No.1, along with his wife and son, continues to enjoy the rental income from properties bearing Nos.30 and 24, Okhla Industrial Estate, Phase-III, New Delhi.

10. At the same time, Sh. Shivi Verma had filed a probate petition *vide* Test Case No.78/22, which was tagged with the present suit on 18.05.2015. The common evidence is being recorded in all three cases.

11. Pertinently, the suit has been pending since 2006. The issues

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have been framed, and statements of some witnesses have also been recorded. However, it is stated by Defendant No.8 that the Plaintiff is not taking a keen interest in prosecuting the case with due diligence, which prompted the Defendant No.8 to file an application, I.A. No. 9262/2011, seeking transposition as Plaintiff No.2, which was withdrawn *vide* order dated 30.08.2011 on a submission made by counsel that the Defendant No.8 had filed a separate suit, being CS (OS) No.2028/2009, seeking partition, whereas the said suit filed by the Defendant No.8 was confined to a claim for *mesne* profits and damages.

12. During the pendency of CS(OS) No.2137/2006, the suit was transferred to the District Court on account of valuation and lack of pecuniary jurisdiction. Owing to the judicial determination that the valuation exceeded Rs.2 crores, the matter ultimately stood transmitted to this Court with the directions to the Plaintiff to amend the plaint qua the valuation of the suit for purposes of pecuniary jurisdiction.

13. After its transfer, CS(OS) No. 2137/2006 was listed for the first time on 14.02.2022; however, despite repeated opportunities granted by this Court, Plaintiff failed to file the amended plaint. As a result, the suit has remained at a standstill for nearly three years, during which Plaintiff either kept changing counsel or chose not to appear.

14. It is stated by Defendant No.8 that the negligent and callous conduct of the Plaintiff has caused irreparable prejudice by depriving her of her 1/9th share in the demised properties, which are being



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illegally enjoyed by Defendant No.1 and his family. It is further stated that the Plaintiff's persistent lack of diligence in prosecuting CS(OS) No.2137/2006 gives rise to a reasonable apprehension that the Plaintiff and Defendant No.1 are acting in concert to delay the proceedings with the intent to defeat Defendant No.8's lawful entitlement to her 1/9th share in the movable and immovable assets of her late parents.

15. Accordingly, Defendant No.8 filed a fresh application under Order I Rule 10(2)¹ of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC'], being I.A. No. 6058/2023, seeking transposition as Plaintiff No.2. The said application was finally heard on 29.02.2024 and, after hearing the parties, the learned Single Judge dismissed the application *vide* the Impugned Order, on the following grounds:

- i. The application was filed under Order I Rule 10(2), which deals with the impleadment of the parties, who are not a party to the suit.
- ii. The right Section for seeking transposition is Order XXIII Rule 1A of the CPC².
- iii. The Application would be treated as being one under Order XXIII Rule 1A, and for which two conditions which permit transposition are to be fulfilled, *viz.* (a) either the Plaintiff dies; or (b) abandons the suit. However, these conditions are not fulfilled in the present case for invoking Order XXIII Rule 1A.

¹Order I Rule 10(2)

²Order XXIII Rule 1A



16. It is also significant to note that at the hearing of I.A. No. 6058/2023, the Plaintiff, having engaged a new counsel, sought time to file the amended plaint. The learned Single Judge, while granting time, recorded that despite directions to file the amended plaint within two weeks, the Plaintiff had failed to do so for over two years and one month, and accordingly imposed costs of Rs. 1,00,000/- *vide* the Impugned Order.

17. Aggrieved by the Impugned Order, Defendant No.8 has filed the present Appeal.

CONTENTIONS OF THE PARTIES:

18. Heard learned Counsel representing the parties at length and, with their able assistance, perused the paperbook along with the record of the suit.

19. Learned Counsel for the Appellant/Defendant No. 8 has made the following submissions:

- i. The Court has power to pass order for transposition of party in exercise of powers under Order I Rule 10(2) either *suo motu* or on the application of the party.
- ii. The Impugned Order restricts the Court's plenary power under Order I Rule 10(2) to transpose parties at any stage of the proceedings to ensure effective adjudication of the suit.
- iii. In partition suits involving co-heirs with aligned interests, transposition of a supportive Defendant as co-Plaintiff is a procedural tool to advance justice, especially where the original



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Plaintiff shows laxity, avoiding suit abandonment under Order XXIII.

iv. Reliance is placed upon *R.S. Maddanappa (Deceased) After Him By Legal Representatives v. Chandramma & Anr.*³; *Smt. Saila Bala Dassi v. Smt. Nirmala Sundari Dassi & Anr.*⁴; and *Hulas Rai Baijnath v. K.B. Bass & Co. Ltd.*⁵.

20. Learned Counsel for the Respondent Nos.2 to 6/Defendant No.1, while contending that the learned Single Judge has rightly dismissed the application for transposition as Order XXIII Rule 1A is the sole repository for the transposition of the Defendant as Plaintiff.

21. No other submissions have been made by the learned Counsel representing the parties.

ANALYSIS AND FINDINGS:

22. At the outset, the issues that arise for consideration in the present Appeal are delineated hereinbelow:

- I. Whether Order XXIII Rule 1A is in derogation of Order I Rule 10(2)?
- II. Whether the learned Single Judge erred in holding that Order XXIII Rule 1A is the single repository of transposition of parties from Plaintiff to Defendant and *vice-versa*?
- III. Whether Plaintiff can only oppose the application for the transposition of Defendant as Plaintiff?

³ AIR 1965 SC 1812

⁴ AIR 1958 SC 394

⁵ AIR 1963 All 368



23. Before delving into the issues in question, it is apposite to refer to the Order XXIII Rule 1A and Order I Rule 10(2). The relevant extracts are reproduced here under:

“ORDER XXIII

Withdrawal and Adjustment of Suits

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

Parties to Suits

10. Suit in name of wrong plaintiff.—

(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.”

24. Pertinently, the procedural architecture of the CPC is designed to ensure that the adjudication of civil disputes is both final and comprehensive, preventing the fragmentation of litigation into multiple, redundant proceedings. Central to this objective is the mechanism of “transposition”, whereby a party to a suit is moved from one side of the litigation to the other.

Dissection of Order I Rule 10(2)

25. Order I Rule 10(2) encapsulates the Court’s wide and



discretionary power to add or strike out parties at any stage of the proceedings, in order to enable an effective and complete adjudication of all questions involved in the suit. The provision is designed to ensure that the real and substantive controversy between the parties is adjudicated, thereby obviating multiplicity of proceedings.

26. The scope and amplitude of Order I Rule 10(2) become evident upon a dissection of its constituent expressions:

- i. *“At any stage of the proceedings”* - This phrase confers a continuing and pervasive authority upon the Court, enabling the addition or deletion of parties not only during trial but even after the framing of issues or at the appellate stage, wherever the ends of justice so demand.
- ii. *“Either upon or without the application of either party”* - The provision expressly recognises the Court’s *suo motu* power to act in the absence of a formal application, where such intervention is necessary for a complete and effective adjudication.
- iii. *“Effectually and completely adjudicate upon and settle all the questions involved”* - This expression constitutes the controlling test of the provision and reflects the fundamental objective of civil procedure, namely, to avoid fragmented or piecemeal adjudication.
- iv. *“As may appear to the Court to be just”* - This clause vests the Court with broad judicial discretion, enabling it to



override technical objections or the rigid application of the *dominus litis* principle where the interests of justice so require.

27. The foregoing analysis makes it clear that Order I Rule 10(2) serves as the principal source of the Court's authority to add or strike out parties, the exercise of which is conditioned solely by the requirement of a complete and effective adjudication of the *lis*. The provision vests the Court with sufficient procedural discretion to ensure that all necessary and proper parties are before it, so that the real controversy is resolved in one proceeding and not left to be re-agitated through fragmented or successive suits.

Intention behind Order XXIII Rule 1A

28. In order to examine whether Order XXIII Rule 1A operates in derogation of Order I Rule 10(2), it is necessary to advert to the legal position prevailing prior to the Code of Civil Procedure (Amendment) Act, 1976 [hereinafter referred to as '1976 Amendment'] and to discern the legislative intent underlying the insertion of Order XXIII Rule 1A.

29. For this purpose, reference must be made to the *54th Report of the Law Commission of India (1973)* on CPC, wherein the Commission specifically recommended the incorporation of Order XXIII Rule 1A. The relevant extract is reproduced hereinbelow:

"Order 23, rule 1A (New)

23.6. We now proceed to deal with a situation not expressly provided for in Order 23. Where a suit is withdrawn by a plaintiff under Order 23, rule 1, one of the opposite parties sometimes finds it necessary to be transposed as a plaintiff, so that he can



pursue whatever claims he may have made against a co-defendant. The Court has, under Order 1, rule 10, already a power to order transposition of parties[1]. But it appears to be desirable to provide that where there is a request by the defendant for transposition (as plaintiff) in view of withdrawal or abandonment of the suit by the plaintiff, the court should have due regard to this consideration.

1. (a) *Eduljee v. Vullebhoy*, ILR 7 Born 167;

(b) *Bhismadev v. Radhakishan*, AIR 1968 Ori 230 (reviews cases).

Recommendation

23.7. *The insertion of the following rule in Order 23, is, therefore, recommended:-*

"1A. Where a suit is withdrawn or abandoned by a plaintiff under rule 1 of this Order, and a defendant applies to be transposed as a plaintiff under Order 1, rule 10, 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". "

(Emphasis supplied.)

30. A perusal of the aforesaid makes it evident that although the Court already possessed a general power to order transposition of parties under Order I Rule 10 of the CPC, the legislature considered it necessary to provide a specific statutory mechanism to address situations arising upon the withdrawal or abandonment of a suit by the Plaintiff.

31. It is pertinent to note that one of the principal objectives of the 1976 Amendment was the simplification of procedural law and the curtailment of avoidable litigation by preventing multiplicity of proceedings. In the absence of a provision such as Order XXIII Rule 1A, the withdrawal of a suit by the Plaintiff could result in a Defendant, having an independent or competing claim arising from the same cause of action or subject matter, being compelled to



institute a separate suit to seek adjudication of such claim, thereby leading to a proliferation of litigation.

32. The legislative intent underlying Order XXIII Rule 1A is, therefore, two-fold: *first*, to prevent a Plaintiff from frustrating or scuttling a *lis* to the prejudice of other interested parties through a strategic withdrawal; and *second*, to ensure that where a substantial question survives for adjudication *inter se* the Defendants, the proceedings are not rendered infructuous but continue with the most appropriate party transposed to the position of Plaintiff.

33. Consequently, Order XXIII Rule 1A cannot be construed as a provision of general or unfettered application; rather, it is attracted only upon the occurrence of specific contingencies, namely, where the Plaintiff files an application or otherwise prays for permission to withdraw the suit.

Limitations of Order XXIII Rule 1A

34. Order XXIII Rule 1A is of limited and conditional application, being attracted only in situations where the Plaintiff has withdrawn or abandoned the suit. In the absence of such withdrawal or abandonment, the provision cannot be invoked. Mere failure of the Plaintiff to lead evidence or procedural laxity does not bring the case within the ambit of Order XXIII Rule 1A, nor can the provision be employed to cure evidentiary deficiencies or procedural lapses. This underscores that Order XXIII Rule 1A is a specific statutory mechanism designed to operate in narrowly defined circumstances, and not a general procedural device.



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Conjoint Reading of Order XXIII Rule 1A and Order I Rule 10(2)

35. The text of Order XXIII Rule 1A contains an express internal reference to Order I Rule 10(2), thereby binding the two provisions inextricably. It stipulates that upon withdrawal or abandonment of a suit, a Defendant may apply to be transposed as a Plaintiff “under Rule 10 of Order I”. This formulation makes it clear that Order XXIII Rule 1A does not create an independent or self-contained source of power for transposition; rather, it delineates a specific contingency and mandates the exercise of the Court’s pre-existing power under Order I Rule 10(2), with due regard to the circumstances arising from such withdrawal or abandonment.

36. Read in this context, a conjoint reading of the two provisions reveals that Order XXIII Rule 1A operates as a guiding provision for the invocation of the broader enabling power contained in Order I Rule 10(2). In a specific eventuality, where a Plaintiff seeks to withdraw a suit under Order XXIII Rule 1 of the CPC, the Court must first consider whether any Defendant seeks transposition and whether a substantial question survives for adjudication. In undertaking this exercise, the requirement of a “substantial question” under Order XXIII Rule 1A necessarily falls to be assessed against the touchstone of “effective and complete adjudication” embodied in Order I Rule 10(2), thereby reinforcing that the two provisions operate in harmony and not in derogation of each other.

37. This harmonious construction also reveals a deeper, second-order insight into the procedural architecture, namely its function as a



safeguard against abuse of the process of the Court. A Plaintiff, being the *dominus litis*, possesses the initial authority to institute a suit and thereby place the subject matter in *lis pendens*, with the attendant consequence of restricting subsequent dealings. If such a Plaintiff is thereafter permitted to withdraw the suit strategically, whether pursuant to a private settlement or in collusion with claimants, the result could be to effectively exclude or prejudice other legitimate claimants who are arrayed as Defendants.

38. It is in this backdrop that the integrated and harmonious application of Order XXIII Rule 1A and Order I Rule 10(2) assumes significance, as it empowers the Court to pierce such procedural stratagems by permitting the transposition of a Defendant in whom a substantial question survives for adjudication. This ensures that the *lis* is not defeated by tactical withdrawal but proceeds to a just and effective determination on merits.

39. Seen thus, even where the conditions contemplated under Order XXIII Rule 1A are not strictly satisfied, for instance, where the Plaintiff is not formally seeking withdrawal of the suit but is merely failing to lead evidence, displaying procedural laxity, or acting in collusion with a Defendant, the Court's authority to order transposition remains unaffected. In such situations, the Court continues to draw its power directly from Order I Rule 10(2), which constitutes the true and enduring wellspring of jurisdiction to mould the array of parties in aid of complete and effective adjudication. Order XXIII Rule 1A does not eclipse or exhaust this power; it merely functions as a specialised procedural tributary, designed to guide the



exercise of the Court's discretion in a narrowly defined factual contingency. Properly construed, therefore, Order XXIII Rule 1A supplements, but does not supplant, the broad enabling framework of Order I Rule 10(2).

40. Reliance may be placed upon the judgment rendered by the Hon'ble Supreme Court in *R. Dhanasundari v. A.N. Umakanth*⁶, wherein it has been authoritatively held that Order I Rule 10 of the CPC expressly provides for the addition, deletion and substitution of parties, and that the power to transpose a party from one status to another is, by its very nature, implicit in sub-rule (2) of Order I Rule 10. The underlying object of Order I Rule 10 is to ensure that all persons having a direct and substantial interest in the subject matter of the suit are before the Court, so that the entire controversy may be effectively and completely adjudicated in their presence.

41. Further reliance may also be placed upon the judgment of the Hon'ble Supreme Court in *Sneh Gupta v. Devi Swarup*⁷, wherein the Appellant, being one of the heirs and legal representatives, was a daughter and thus legally entitled to a share in the property of the deceased as one of the lawful heirs. The Supreme Court held that even assuming the applicability of Order XXIII Rule 1 of the CPC, the remedy under Order XXIII Rule 1A squarely enabled the Appellant, though arrayed as a Defendant, to seek transposition as a Plaintiff in terms of Order I Rule 10 of the CPC. It was further held that, upon such an application, the Court is duty-bound to pass appropriate

⁶(2020) 14 SCC 1

⁷(2009) 6 SCC 194



orders, having due regard to whether the applicant had a substantial and independent question to be adjudicated as against any of the other Defendants.

42. The decision thus reinforces the principle that procedural provisions must subserve substantive rights, and that a Defendant having an independent and enforceable interest in the subject-matter of the suit cannot be non-suited merely on account of the withdrawal or abandonment of the suit or laxity shown by the original Plaintiff.

43. Hence, it is a common procedural misconception to regard Order XXIII Rule 1A as the sole repository of the power to transpose Defendants as Plaintiffs. A careful and rigorous analysis of the scheme of the CPC, read alongside the consistent line of precedents, makes it clear that Order I Rule 10(2) constitutes the broader and primary source of such power, capable of being exercised even in situations where the conditions contemplated under Order XXIII Rule 1A are not attracted. Order XXIII Rule 1A merely identifies a specific contingency for the guided exercise of this power and does not exhaust it. Accordingly, Issue Nos.I and II are answered in the aforesaid terms.

44. The next question that arises for consideration is whether the Plaintiff alone is entitled to oppose an application seeking the transposition of a Defendant as a Plaintiff.

45. This Court is of the considered opinion that where a Defendant moves an application for transposition, the right to oppose is not confined exclusively to the Plaintiff. Order XXIII Rule 1A does not



expressly restrict opposition to the Plaintiff alone; it requires the Court to examine whether the applicant Defendant has a “substantial question” to be decided against any of the other Defendants, thereby directly engaging the interests of those other Defendants. The language of Order XXIII Rule 1A contemplates inter-Defendant contest and presupposes that multiple Defendants may have differing positions on the existence of a substantial question.

46. Any party whose legal rights or substantive interests may be affected by the proposed change in status has a legitimate stake in the outcome. Since the core test for transposition is the existence of a substantial question between the applicant Defendant and other Defendants, the latter cannot be relegated to passive observers; they must be heard in opposition where appropriate. Limiting opposition solely to the Plaintiff would undermine the protective purpose of the provision and deprive other Defendants of an opportunity to safeguard their rights in relation to the substantial question raised.

47. Moreover, the discretionary power under Order I Rule 10(2) is overarching and exercised in light of the interests of justice, equity, and fair play, extending beyond the narrow rights of the original Plaintiff. Accordingly, both the Plaintiff and any Defendant or other directly affected party are entitled to oppose the application, and the Court must consider all such objections on their merits before granting relief. Hence, Issue No.III is decided in the aforesaid terms.

48. Now, adverting to the facts of the case, it is evident that the Plaintiff has displayed considerable procedural laxity. Despite explicit



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directions of the Court, the Plaintiff has failed to file the amended plaint within the stipulated period of two weeks, and over two years have elapsed without compliance. Such delay demonstrates inaction on the part of the Plaintiff and has contributed to the pendency of the proceedings, justifying a closer examination of the application of Defendant No.8 for transposition.

49. It is further pertinent to note that in a suit for partition, every party is effectively in the position of a Plaintiff, as each seeks determination and allotment of their respective share in the common property. Defendant No.8 is contesting for entitlement to her 1/9th share in the movable and immovable assets of her late parents, thus, this establishes her identity of interest with the original Plaintiff in seeking adjudication of her rightful claim.

50. The courts have consistently held that the withdrawal of the original Plaintiff cannot be permitted to frustrate the rights of the Defendants to have their shares adjudicated and partitioned. The Supreme Court in ***R.S. Maddanappa (supra)*** affirmed that in a partition suit, the Court, including the High Court in appeal, can transpose a Defendant as a Plaintiff *suo motu* to ensure complete justice. This is because the cause of action in a partition suit is continuous, and the failure of the Plaintiff to prosecute the suit does not extinguish the rights of the Defendants to claim their respective shares.

51. Therefore, in the present case, the application of Defendant No.8 for transposition could have been rightly entertained under the



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broader and discretionary framework of Order I Rule 10(2), which empowers the Court to add, strike out, or transpose parties upon or without application in the interest of complete and effective adjudication. While Order XXIII Rule 1A provides a specialised mechanism for withdrawal scenarios, it does not circumscribe or restrict the Court's plenary power under Rule 10(2).

52. Significantly, the transposition sought by Defendant No.8 is not opposed by the Plaintiff, which further reinforces the appropriateness of granting the application. The absence of any objection from the Plaintiff, coupled with her prolonged delay in prosecuting the suit, leaves no impediment to the Court exercising its discretion in favour of transposition. The identity of interest between Defendant No.8 and the Plaintiff, in seeking a just partition of the assets, strengthens the case for allowing her to be transposed as a Plaintiff so that her entitlement to 1/9th share is adjudicated without prejudice.

53. In view of the foregoing, this Court is of the considered opinion that the learned Single Judge committed an error in rejecting the application of Defendant No.8. Considering the Plaintiff's procedural laxity, the continuous nature of the cause of action in a partition suit, and the inherent discretionary power under Order I Rule 10(2), the application of Defendant No.8 is to be allowed to ensure that the *lis* is adjudicated completely and fairly, and that her lawful rights and entitlement are protected.

CONCLUSION:

54. Accordingly, the Impugned Order passed by the learned Single

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Judge rejecting the application filed by Defendant No.8 for transposition cannot be sustained and is hereby set aside.

55. The application filed by Defendant No.8 is allowed, and Defendant No.8 is directed to be transposed as a Plaintiff in the suit, CS(OS) No.2137/2006.

56. The Registry is directed to carry out the necessary amendments in the array of parties. The suit shall thereafter proceed at the instance of the transposed Plaintiff for adjudication of her entitlement to 1/9th share in the movable and immovable assets of her late parents, in accordance with law.

57. The present Appeal is disposed of in the aforesaid terms.

ANIL KSHETARPAL, J.

HARISHVAIDYANATHANSHANKAR, J.

DECEMBER 22, 2025

s.godara/shah