



WEB COPY



A.No.629 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 629 of 2026

1. P.K.S.Prashath Alias P.Saiprasad And Another
No.4/60, Venkatanarayana Road,T.Nagar, Ch 17
2. P.J.K.Sairam alias P.Sairam
Chennai

..Applicant(s)

Vs

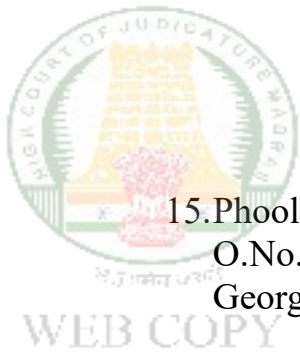
1. P.JAYALAKSHMI(Since deceased on
29/072020) 1.S.Saiprabha
D/o Late No.13, Srinivasa Nagar,
1st St., Koyambedu, Ch 107
2. Sailakshmi Ramji
D/o Late Kuppu Reddy And
W/o J.N.Ramji D-1st Floor Praswal
Shyamantaka Apts, O.No N.No.9, Pinjala
Subramaniam St.,
T.Nagar, Ch 17
3. Pasumarthy Cunniah Chettys Trust Rep.By
Reddy Govindamma
D/o Rungiah Chetty W/o T.Subramania Chetty
No.151, 1st Floor, N.S.C.Bose Road, Ch 01
4. Chinna Reddy Govindamma @ Vijayalakshmi
D/o Rungiah Chetty And W/o P.V.Seetharam
Gupta No.3, Venkatanarayana Road, T.Nagar,
Ch 17
5. Subbu Reddy Govindamma @ Anuradha
W/o Late P.V.Chandrasekar Chetty No.2,



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Venkatanarayana Road, T.Nagar, Ch 17

6. Reddy Govindamma
D/o Runngiah Chetty W/o T.Subramania Chetty
No.54, Devaraja Mudali St., Park Town, Ch 03
7. Reddy Subba Govindamma @ Sri Lakshmi
W/o S.Venkatasaikrishna No.2/12, Ramasamy
St., T.Nagar, Ch 17
8. P.V.S.Kishore Kumar
No.3, Venkatanarayana Road, T.Nagar, Ch 17
9. S.Srisathyanarayana
No.27/2, Ramaswamy St.,
T.Nagar, Ch 17
- 10.P.V.Seetharam Gupta
P.V.Radhakrishna Chetty
No.3, Venkatanarayana Road, T.Nagar, Ch 17
- 11.T.Subramania Chetty
S/o T.Rajarathnam Chetty No.54, Devaraja
Mudali St., George Town,
Ch 01
- 12.S.Venkata Sai Krishna
No.2/12, Ramaswamy St,
T.Nagar, Ch 17
- 13.Mrs.Reka Devi
O.No.28, Perumal Mudali St.,
George Town, Ch 01
- 14.Mrs.indira Varma
No.21, Perumal Mudali St.,
George Town, Ch 01



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15.Phool Chand
O.No.37, Naryana Mudali St.,
George Town, Ch 79

16.Muvana Bai
W/o Phool Chand Jain O.No.78, Naryana
Mudali St., George Town, Ch 79

..Respondent(s)

To transpose the defendants 11 and 12 as Plaintiffs 4 and 5 in
C.S.No.538 of 2007.

For Applicant(s): MR.S. Sathya Ganesh

For Respondent(s):

ORDER

This application has been filed by defendants 11 and 12 to transpose them as plaintiffs in the suit. In the common affidavit, the applicants state that they are the sons of the first plaintiff, that though they were arrayed as defendants, the suit itself seeks a declaration in their favour that they, as surviving direct male lineal descendants of the founder, are entitled to hold the office of President in the 1st defendant Trust, and that they were under the impression that they were only pro forma defendants and that the reliefs were also sought for their benefit.

2.The applicants state that the contesting defendants are defendants 1 to 10 and 13 to 16 and that the defendants 1 to 10 are also no longer contesting the



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matter. They further state that they had engaged counsel, but were set ex parte on 28.01.2016 for non-filing of written statement; that after the death of the first plaintiff on 29.07.2020 and on discussing the stage of the suit, they realised the need to come on record properly; and that they now seek to support the reliefs already prayed for in the suit.

3.This Court is unable to accept the said request. The suit has been instituted in a particular representative and substantive frame, and the reliefs in the plaint stand structured accordingly. The leave granted to institute the suit must necessarily be understood with reference to that very frame of parties and reliefs. If defendants 11 and 12 are now transposed as plaintiffs, the nature and complexion of the suit, as well as the relief structure in the plaint, would stand materially altered. Such alteration cannot be brought about indirectly by way of an application for transposition.

4.Transposition may be ordered where it is necessary for complete adjudication and where the existing cause of action and reliefs remain substantially unaltered. In the present case, however, the proposed transposition is not merely formal or consequential. It would change the basis on which the suit has proceeded and, in effect, permit recasting of the plaint without a proper amendment and



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without preserving the original basis on which leave to sue was granted. That course is impermissible.

5. Accordingly, A.No.629 of 2026 is dismissed. No costs.

01-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

nvi/ay



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DR.A.D.MARIA CLETE, J.

NVi/AY

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