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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMP NO. 26190 OF 2026
in AS.No.25 of 2020

1. K.Mohamed Yousuf
   S/o.M.A.Khader Basha,
   Topaz 1, 1D,
   Navarathna Phase II,
   Marg Swarnaboomi,
   Vellur Village,
   Cheyur Taluk,
   Kanchipuram District.

2. K.Mohamed Imran
   S/O.M.A.Khader Basha, No.2, First Main Road,
   Postal Colony, West Mambalam,
   Chennai-600033.

..Appellant(s)

Vs

1. A.Inayathullah
   (Deceased)
   Zulaikha Begam (Deceased)
2. A.Khader Bhasha
   S/O.Mohamed Azeezullah, No.2, First Main Road, Telepost Colony, West Mambalam, Chennai-600033

3. A.Kaleellulla
   S/O.Mohamed Azeezullah, No.2, First Main Road, Telepost Colony, West Mambalam, Chennai-600033
   Fathima Zehra Begum (Deceased)
   Mahboob Begum (Deceased)

4. Noorjehan Begum
   (Died)

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5. Mumtaz Begum
   (Died)

6. Asifa
   W/O.Ayuf Khan, No.92, Male Bharathi
   Puram, V.P. Singhnagar, Mettupalayam Po,
   Pondicherry

7. Fathima Begum
   W/o.Mohammed Saleem
   D Nos.24/59/6,
   Feery Road,
   Vizagapattinam 530001

8. Rahima
   D/o.Mahboob Begum,
   38-8-1, Masjid Street,
   Marripalayam,
   Vizagapattinam 530018

9. Sheik Riaz
   S/o.Mahboob Begum,
   38-8-1, Masjid Street,
   Marripalayam,
   Vizagapattinam 530018

10. Jumma Khan
    S/o.Fathima Zehra Begum
    D No.38-30-89,
    Sai Nagar,
    Marripalam Po
    Vizagapattinam 530018

11. Nazir khan
    S/o.Fathima Zehra Begum
    D No.38-30-89,
    Sai Nagar,
    Marripalam Po
    Vizagapattinam 530018

12. Irfaan Khan
    S/o.Fathima Zehra Begum

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D No.38-30-89,
Sai Nagar,
Marripalam Po
Vizagapattinam 530018

13. Ameer John
S/o.Fathima Zehra Begum
D No.38-30-89,
Sai Nagar,
Marripalam Po
Vizagapattinam 530018

14. Rizwan Khan
S/o.Fathima Zehra Begum
D No.38-30-89,
Sai Nagar,
Marripalam Po
Vizagapattinam 530018

15. Raz Khan
S/o.Fathima Zehra Begum
D No.38-30-89,
Sai Nagar,
Marripalam Po
Vizagapattinam 530018

16. Gulnar @ Sabiya
D/o.Fathima Zehra Begum
D No.38-30-89,
Sai Nagar,
Marripalam Po
Vizagapattinam 530018

17. Hathim
D.No.38-30-89, Sai Nagar, Marripalayam Po,
Vaizagapattinam 530 018.

18. Mohamed Hashim
S/o.Hathim
D.No.38-30-89, Sai Nagar,
Marripalayam Po,
Vaizagapattinam 530 018.

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19.Mehajabeen
D/o.Hathim
W/o.Mohamed Miskin
D No.7-10-30,
AU Outer Gate Down
Vizagapattinam 17

20.Mohamed Azeem
S/O. Hathim,
D.No.38-30-89, Sai Nagar,Marripalayam Po,
Vizagapattinam, 530 018.

21.Zahida Begum
D/O. Hathim And W/O. Syed Naser Ahmed,
D.N.38-30-107, Sai Nagar, Marripalam Po,
Vizagapattinam 530 018

22.Mohamed Nadeem Ahmed
S/O. Lal Ahmed,
D.No.38-30/1, Masjid St, Marripalam Po,
Vizagapattinam 530 018.

23.Mohamed Sohail Ahmed @ Munna
S/O. Lal Ahmed,
D.No.38-11-7, Vinayaka Temple St,
Marripalam Po, Vizagapattinam 530 018

24.Mohamed Mostaq Ahmed @ Babu
S/O. Lal Ahmed,
D.No.38-32-87, Near Dsr Apartment,
Parvathi Nagar, Marripalam Po,
Vizagapattinam 530 018.

25.I.Jabin
W/o.late A.Inayathullah,
232,
Postal Colony,
Vaigai Nagar,
Aranvoyal Village,
tiruvallur taluk and district.

26.I.Fathima Sharmila
D/o.late A.Inayathullah,

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232,
Postal Colony,
Vaigai Nagar,
Aranvoyal Village,
tiruvallur taluk and district.

27.Shyla Azeez
D/o.late A.Inayathullah,
232,
Postal Colony,
Vaigai Nagar,
Aranvoyal Village,
tiruvallur taluk and district.

..Respondent(s)

CMP No. 26190 of 2026

To bring on record the proposed Respondents 25 to 27 herein namely 1.I.Jabin 2.I.Fathima Sharmila and 3.Shyla Azeez as parties-respondents 25 to 27 and record the existing the respondents 2,3 and 6 namely 1.A.Khader Basha 2.A.Kaleelulla and 3.Ashifa as the legal representatives of the Deceased first respondent-A.Inayathullah in A.S.No.25 of 2020.

AS No. 25 of 2020

To set aside the finding of the Trial court in so far as the Appellants are concerned that Ex.P.1 is a Will and declare that Hiba (Oral Gift) is valid and consequently enlarge the Share of the Appellants by allotting 1/8th share to the Appellants in the schedule mentioned property by modifying the Fair order and Decreetal order dt. 3.1.2019 made in IA No.13628/2016 in OS No.1802/2003 on the file of the Learned II Additional Judge, City Civil Court at Chennai.

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For Petitioner(s): Mr.T.A.Shagul Hameed

For Respondent(s): M/s.P.B.Ramanujam Associates

ORDER

This Civil Miscellaneous Petition has been filed to record the proposed respondents 25 to 27 herein namely 1.I.Jabin 2.I.Fathima Sharmila and 3.Shyla Azeez as parties-respondents 25 to 27 and record the existing the respondents 2,3 and 6 namely 1.A.Khader Basha 2.A.Kaleelulla and 3.Ashifa as the legal representatives of the Deceased first respondent-A. Inayathullah in A.S.No.25 of 2020.

2.Heard both sides.

3.The learned counsel appearing on behalf of respondents 25 and 26 relying upon the counter filed in this petition submitted that the wife and daughters alone are entitled to succeed as legal heirs of the deceased 1st respondent and that respondents 2, 3 and 6 who are the brothers and sister of the 1st respondent cannot be considered to be the legal representatives of the deceased 1st respondent.

4.The petitioners have sought for bringing on record respondents 25 to 27 and recording the respondents 2, 3 and 6 as the legal heirs of the 1st respondent on the ground that all of them have a share under the Muslim law of inheritance.

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The manner in which they got the shares is also explained in paragraphs 4 and 5 of the affidavit filed in support of the petition.

5.In view of the above, the present petition can be allowed as it is and the shares to which the parties are entitled can be decided in the main appeal.

6.In the result, this CMP is allowed as prayed for. Registry is directed to carry out the necessary amendment in the cause title.

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N.ANAND VENKATESH J.

kp

CMP NO. 26190 OF 2026
in A.S.No.2020

27-10-2026

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