

THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR

+ Application No.1 of 2023 in C.S. No.13 of 1958

% Dated 06-05-2026

Between:

Samana Fatima and another

... Applicants/Petitioners

and

\$ Syed Hassan and Four others

... Respondents/Defendants

! Counsel for the Petitioners

: Ms. Manjiri S. Ganu

^a Counsel for the respondents

: Mr. G. Anandam

< GIST

• — — —

•

>HEAD NOTE

• — — —

? Cases referred:

•

1. (2012) 3 Supreme Court Cases 548

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND****THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR****Application No.1 of 2023 in C.S. No.13 of 1958****Date: 06.05.2026****Between:**

Samana Fatima and another

... Implead Petitioners/Proposed Party Defendants
And

Syed Hassan and Four others

... Respondents/Plaintiffs

JUDGMENT: *(Per the Hon'ble Sri Justice N.V. Shravan Kumar)*

Ms. Manjiri S Ganu, learned counsel representing Implead Petitioners and Mr. G. Ananadam appearing for the respondents.

2. This Application is filed under Order XXII Rule 10 and Order I, Rule 10 read with Section 151 of Civil Procedure Code seeking to permit the Applicants/proposed party defendants to come on record as defendants in the suit in C.S. No.13 of 1958 and in all miscellaneous applications, if any pending.

3. It is the case of the Petitioners that suit in C.S. No.13 of 1958 was filed for partition of Mathruka properties of Late Nawab Mir Yousuf Ali Khan Salar Jung Bahadur III who died on 02.03.1949 leaving behind his vast properties both movable and immovable,

including self-purchased Maqtas and Nuzul lands. The then Government of Andhra Pradesh and presently Government of Telangana is one of the defendants in the suit. It is submitted that the Government has given up claims with regard to the landed properties including 12 Maqta villages and Nuzul lands. It is submitted that some of the parties in the above mentioned suit entered into a clandestine compromise without there being any right, title or entitlement and subsequently a Compromise Preliminary Decree was passed in the suit on 05.03.1959.

4. It is further submitted that late Nawab Mir Yousuf Ali Khan Salar Jung Bahadur III was the Prime Minister of the then Nizam Government of Hyderabad State and was a Shia Muslim. Salar Jung III was married to one Kaniz-e-Fatima and a daughter was born to them out of wedlock and was named as Zainab Begum. The said Zainab Begum was married on 31.01.1969 to one Mir Mustafa Ali Khan (now deceased) and a daughter was born out of wedlock on 01.12.1969 and was named as Muneerunissa Begum, who was the only daughter of Zainab Begum and grand-daughter of Mir Yousuf Ali Khan Salar Jung III. The said Muneerunissa Begum was married to one Syed Zahid Ali on 10.02.1990 and a son and two daughters namely Syed Murtuza Ali (son), Samana Fatima and Zainab Fatima (Daughters & Petitioners herein) were born to them.

5. It is further submitted that the said Muneerunissa Begum was declared as the natural daughter of Zainab Begum and grand daughter of late Nawab Mir Yousuf Ali Khan Salar Jung III by Family Court, City Civil Court, Hyderabad in O.S. No.168 of 1998 by order dated 07.04.1999, which had attained finality. Further, the said Muneerunissa Begum was also declared and recognized as grand-daughter of Nawab Mir Yousuf Ali Khan Salar Jung Bahadur III in RCS No.776 of 2002 on the file of Civil Judge Senior Division at Aurangabad dated 03.02.2003 and also in O.S. No.1449 of 2008 on the file of the IX Junior Civil Judge. It is further submitted that various Courts have declared late Muneerunissa Begum as the grand-daughter of Nawab Mir Yousuf Ali Khan Salar Jung Bahadur III. It is further submitted that in the suit in O.S. No.168 of 1998, the names of the present Applicants/Proposed Party Defendants, Samana Fatima and Zainab Fatima were mentioned as daughters of Muneerunissa Begum along with their father and brother. The said Muneerunissa Begum passed away in the year 2009. Subsequently her husband Syed Zahid, son Syed Murtuza Ali and daughters (the petitioners herein) were brought on record and impleaded as legal heirs of Muneerunissa Begum in O.S. No.1449 of 2008 vide I.A.No.39 of 2009 which was allowed declaring the petitioners as legal representatives of Muneerunissa Begum. After the death of Muneerunissa Begum, father and the brother of the petitioners were impleaded as legal representatives of Muneerunissa Begum vide orders in Application No.562 of 2014 dated 26.06.2014 in Suit in C.S. No.13 of 1958.

At that point of time, the Applicants were also the legal heirs of Muneerunissa Begum but were inadvertently not brought on record. The Applicants' father and brother i.e. Syed Zahid Ali and Syed Murtuza Ali, were granted Succession Certificate under Section 372 of Indian Succession Act on 20.04.2020 by the Civil Judge Senior Division at Aurangabad in M.A.R.J.I. No.197 of 2020. The said order in M.A.R.J.I. No.197 of 2020 was challenged by Syed Abdul Wahab before the High Court of Judicature at Bombay Bench at Aurangabad being 78 First Appeal No.28 of 2021 with CA/520/2021 in FA/28/2021, which was dismissed and the Court directed the Appellant to approach appropriate Forum, pursuant to which an appeal was filed before ad-hoc District Judge-6 Aurangabad by name Civil MA No.209 of 2021, which was also dismissed on 05.02.2022.

6. It is further submitted that some of the parties, in collusion with land grabbers and real estate agents were granted orders without impleading the proper and necessary parties to the suit and in some applications, petitions and proceedings that are filed by the so-called interested parties, they are being shown as necessary parties to the said applications and as not-necessary parties in some other applications, and thereby orders were obtained on such misrepresentation. It is further submitted that the actual and true legal heirs are neither being made parties nor shown as proper and necessary parties. It is further submitted that inadvertently the Applicants/Proposed Party Defendants herein were not brought on

record at the earlier point of time, as the Applicant No.1 was newly married and went to Australia with her husband and the Applicant No.2 was a minor and now both of them have attained majority and are married and are living in Australia. In view of the same, prayed this Court to permit the petitioners/ applicants to come on record as defendants in the said suit in C.S. No.13 of 1958.

7. It is further submitted that though the Government is the caretaker of the above mentioned Estate of Salar Jung III, the Government has issued G.O. Ms. No.118 dated 28.10.2022 seeking to regularize land occupied by illegal occupants in 44 colonies in various locations and in the said G.O. Ms. No.118 two villages belonging to the Estate of Nawab Salar Jung III, Kancha Parvathapur and Saheb Nagar Kalan are also included which caused prejudice to the legal heirs of Nawab Salar Jung III. Under those circumstances, the petitioners, along with their father and brother, challenged the said G.O. Ms. No.118 in W.P. No.5846 of 2023, and the Division Bench of this Court passed an interim order of stay of the operation of the said G.O. to the extent of Kancha Parvathapur and Saheb Nagar Kalan vide its order dated 13.03.2023. In the backdrop of the said facts and circumstances, the Petitioners/Applicants/Proposed Party defendants are seeking permission of this Court to come on record as defendants in the suit in C.S. No.13 of 1958.

8. Heard the learned counsel for the petitioners and perused the material made available on the record.

COURT PROCEEDINGS:

9. On a perusal of the record, it appears that during the course of scrutiny of the Application, the Registry returned the Application (SR) with certain objections i.e.

“1. Please file amended cause title in Civil Suit No.13 of 1958, in the above Application SR, for the purpose of verification of Cause title since not tallying.

2. Service is to be effected on all respondents to suit as well as Commissioner and Receiver.”

Thereafter, the learned counsel for the Applicants answered as:

“1. Same casue title as in Application No.562 of 2014 in C.S. No.13 of 1958 has been typed in this application.

2. We undertake to send notices to all parties who are not represented by Counsel as per directions of Court – Copies are already served on newly appointed Receivers – Proof of Service enclosed. If not satisfied with our compliance post before Court.”

In this regard, the Registry made an endorsement that cause title is not tallying and submitted for orders as to registration of the Application. It is further endorsed that *“when the case was listed on*

28.07.2023 for orders on Office Note, the Hon'ble Court pleased to pass the following order:

"Ms. Mangari S. Ganu, learned counsel for the applicant prays for and is granted two weeks' time to comply with the office objections. List on 11.08.2023."

10. Thereafter, the learned counsel for the Applicants has given the following endorsement stating that *"Since Amended Cause Title in C.S. No.13 of 1958 is not available, we undertake to file at the time of hearing if necessary, as we have already served copies to Commissioner/Receiver and we also to file covers and acknowledgements and relevant material after service of notice if court insists."* and the Registry submitted the note for orders as to registration of the Application.

On 28.07.2023:

"Ms. Manjari S.Ganu, learned counsel for the applicants prays for and is granted two weeks' time to comply with the office objections.

List on 11.08.2023.

On 11.08.2023:

"Ms. Manjari S.Ganu, learned counsel for the applicants prays for an adjournment to enable her to comply with the office objections.

List after three weeks.

On 01.09.2023:

“Ms. Manjari S.Ganu, learned counsel for the applicants.

Learned counsel for the applicants prays for and is granted four (04) weeks’ time to enable her to file amended cause title.

List after four (04) weeks.”

On 05.01.2024:

“Mr. Sunil B. Ganu, learned Senior Counsel appears for Ms. Manjari S. Ganu, learned counsel for the applicants.

Heard on the question of admission.

Issue notice to the respondents.”

On 13.09.2024:

“Mr. T.S.Praveen Kumar, learned counsel representing Ms. Manjari S. Ganu, learned counsel for the applicants.

Learned counsel for the applicants prays for and is granted six weeks time to serve notice on the unserved respondents.

List thereafter.”

On 12.12.2025:

“At the request of Mr. T.S.Praveen Kumar, learned counsel representing Ms. Manjari S. Ganu, learned counsel for the applicant, list the matter after one week.”

On 19.12.2025:

“Heard Mr. T.S. Praveen Kumar, learned counsel represents Ms. Manjari S. Ganu, learned counsel for the applicants in Application Nos.1 and 2 of 2023.

Orders reserved.”

11. As observed from the record of Court proceedings, it appears that though several opportunities were given to comply with the office objections to the extent of filing of amended cause title, no compliance was made by way of filing amended cause title except filing a Memo dated 31.08.2023 in application (SR) No.15275 of 2023 in C.S. No.13 of 1958 stating that they have applied for furnishing the complete amended cause title in C.S. No.13 of 1958 on 22.08.2023 bearing C.D. No.10850 of 2023 to comply with the office objections in SR No.15275 and 15276 of 2023 in C.S. No.13 of 1958 to the Registry with a request to direct the concerned O.S. Section for complying with the CD. Thereafter no status/information is furnished.

ANALYSIS AND CONCLUSION:

12. This Application is filed by the Applicants seeking permission to come on record as defendants in C.S. No.13 of 1958. It is to be noted here that this Court by a common order dated 24.01.2023 in Applications No.299 and 1235 of 2012, appointed Commissioners to look into the extent of property involved in the suit and apportionment thereof amongst the parties to the suit in terms of

the preliminary decree drawn up on the basis of compromise and file report. Accordingly, the Commissioners have submitted a detailed report on 13.10.2025. Thereafter, this Court by order dated 16.10.2025 granted permission to the contesting parties to obtain report dated 13.10.2025 from the Registry and file objections, if any, on or before 27.11.2025. Upon request, the Registry was directed to furnish a copy of the Commissioners report dated 13.10.2025 and the matter was directed to be listed on 27.11.2025 under the caption 'Final Hearing'.

13. On perusal of the record, present Application is filed on 17.04.2023.

COMMISSIONER'S REPORT

14. For better appreciation, it is necessary to extract the relevant portion of the report dated 13.10.2025, which is extracted as under:

"N. FINDINGS

14. Now that the movable and immovable properties belonging to Nawab Salar Jung III appears to have been dealt with under the so called Compromise Preliminary Decree dated 05-03-1959 under the directions and permissions of this Hon'ble Court from the date of the Conditional Compromise Preliminary Decree dated 05-03-1959 till the order in I.A. No.417 of 1961 dated 09-02-1962, AND this Hon'be Court by order dated 09-02-1962 ordered passing of a final decree as prayed for under certain terms mentioned therein.

The office has to be directed to draw a final

decree in terms of the order in I.A. No.417 of 1961 dated 09-02-1962, if it remains unchallenged.

14.1 The record made available to us indicates that **Application No.2 of 2023 is filed praying the Court to declare the preliminary decree is passed under the garb of fake and false theory that Salar Jung Died issueless and he was unmarried and that the alleged compromise preliminary decree is not executable.**

14.2 The record made available to us indicates that Applications No.1 of 2023, 1 and 2 of 2024 and 1 of 2025 are filed claiming share in the property of Nawab Salar Jung III independently and hence they wanted their impleadment in CS 13 of 1958.

14.3 The applicants in Application No.1 of 2024 claim share in the property left behind by Nawab Salar Jung III, contending that the Salar Jung Estate has got mixed properties of the grand mother of the applicants therein ("Saheb Begum" D/o Mir Alam Bahadur and grand father Ali Zaman Khan, Munir-ul-Mulk) and also the properties of one Habeebunnisa Begum D/o Mir Alam Bahadur and properties of Mir-i-Duran S/o Mir Alam Bahadur.

14.4 In view of para 11 of conditional compromise preliminary decree and in view of peculiar circumstances under which the said conditional compromise preliminary decree came to be passed and in view of the fact that

order in I.A. No.417 of 1961 dated 09-02-1962 is passed directing the registry to draw final decree, the point that arises for the consideration of this Hon'ble Court is, whether the applicants in Applications No.1 and 2 of 2023, 1 and 2 of 2024 and 1 of 2025 can maintain such application in CS No. 13 of 1958.

14.5 In our humble opinion enquiry in Applications No.1 and 2 of 2023, 1 and 2 of 2024 and 1 of 2025 amounts to reopening the main suit in CS No.13 of 1958 which may amount to discarding the Compromise Preliminary Decree dated 05-3-1959. (Virtually undoing all the labor of the then Receiver-cum Commissioner)".

EFFECT OF PRELIMINARY DECREE:

15. In the said Commissioner's report dated 13.10.2025, the Commissioners questioned the maintainability of the present Application i.e. Application No.1 of 2023 in C.S. No.13 of 1958 and further opined that the said Application amount to discarding the Compromise Preliminary Decree dated 05.03.1959. Though this Court granted permission to the contesting parties to file objections, if any, to the said report, the Applicants have not filed any objections to the said report.

16. It is to be noted that compromise has already been recorded and preliminary decree was passed to that extent on 05.03.1959. The Applicants, at this point of time, by filing the present Application

and if considered would virtually amounts to reopening of the compromised preliminary decree dated 05.03.1959 in C.S. No.13 of 1958 and the Commissioners have rightly observed in the report that, it amounts to discarding the compromise preliminary decree dated 05.03.1959.

17. The Hon'ble Supreme Court in **Bimal Kumar and another Vs. Shakuntala Debi and others**¹ while observing the difference between preliminary and final decree in partition suit held that the term "compromise" essentially means settlement of differences by mutual consent and in such process, the adversarial claims come to rest. The relevant paras No.24 to 28 are extracted for reference:

"24. In *Renu Devi v. Mahendra Singh* [(2003) 10 SCC 200 : AIR 2003 SC 1608] the effect of a compromise decree and allotment of shares in pursuance of the said decree was dealt with. The two-Judge Bench referred to *Raghubir Sahu v. Ajodhya Sahu* [AIR 1945 Pat 482] and *Muzaffar Husain* [AIR 1933 Oudh 562] and opined that the law had been correctly stated in the said authorities.

25. In the said case, after referring to *Civil Procedure Code* by Mulla, this Court in *Renu Devi case* [(2003) 10 SCC 200 : AIR 2003 SC 1608] , while drawing a distinction between the preliminary and the final decree, has stated that a preliminary decree declares the rights or shares of the parties to the partition. Once the shares have

¹ (2012) 3 Supreme Court Cases 548

been declared and a further inquiry still remains to be done for actually partitioning the property and placing the parties in separate possession of the divided property, then such inquiry shall be held and pursuant to the result of further inquiry, a final decree shall be passed. A preliminary decree is one which declares the rights and liabilities of the parties leaving the actual result to be worked out in further proceedings. Then, as a result of the further inquiries conducted pursuant to the preliminary decree, the rights of the parties are finally determined and a decree is passed in accordance with such determination, which is the final decree. Thus, fundamentally, the distinction between preliminary and final decree is that: a preliminary decree merely declares the rights and shares of the parties and leaves room for some further inquiry to be held and conducted pursuant to the directions made in the preliminary decree which inquiry having been conducted and the rights of the parties finally determined a decree incorporating such determination needs to be drawn up which is the final decree.

26. Applying the principles laid down in the aforesaid authorities, it is graphically clear that in the case at hand, the parties entered into a compromise and clearly admitted that they were in separate and exclusive possession of the properties and the same had already been allotted to them. It was also admitted that they were in possession of their respective shares and, therefore, no final decree or execution was required to be filed. It is demonstrable that the compromise application does not contain any clause regarding the future course of action. The

parties were absolutely conscious and rightly so, that their rights had been fructified and their possession had been exclusively determined. They were well aware that the decree was final in nature as their shares were allotted and nothing remained to be done by metes and bounds. Their rights had attained finality and no further enquiry from any spectrum was required to be carried out. The whole thing had been embodied in the decree passed on the foundation of compromise.

27. It is to be borne in mind that the term “compromise” essentially means settlement of differences by mutual consent. In such process, the adversarial claims come to rest. The cavil between the parties is given a decent burial. A compromise which is arrived at by the parties puts an end to the litigative battle. Sometimes the parties feel that it is an unfortunate bitter struggle and allow good sense to prevail to resolve the dispute. In certain cases, by intervention of well-wishers, the conciliatory process commences and eventually, by consensus and concurrence, rights get concretised. A reciprocal settlement with a clear mind is regarded as noble. It signifies magnificent and majestic facets of the human mind. The exalted state of affairs brings in quintessence of sublime solemnity and social stability.

28. In the present case, as the factual matrix would reveal, a decree came to be passed on the bedrock of a compromise in entirety from all angles leaving nothing to be done in the future. The curtains were really drawn and the court gave the stamp of approval to the same. Thus, the

inescapable conclusion is that the compromise decree dated 3-4-1964 was a final decree.”

ON AUTHORISATION:

18. That apart, one Syed Zahild Ali S/o. Late Mir Sadiq Ali, who is father of the petitioners/Applicants and one of the GPA Holders of petitioners filed/deposed an affidavit on oath stating that *“I am the father of the petitioners/applicants and one of the GPA Holder of petitioners herein as such well acquainted with the facts of the case hence I am able to depose as follows:”*. In this connection, the Applicants filed a copy of deed of specific power of attorney dated 12.10.2022 executed by petitioner No.1, Samana Fatima. From the above deed of specific power of attorney, it is culled out that the petitioner No.1 had executed a Deed of Specific Power of Attorney appointing Syed Zahid Ali, Sanjeev Kumar Raut, Dr. Pramod Eknathrao Jadhav and Adv. Arunkumar Shyamarao Jadhav as attorneys No.1, 2, 3 and 4, respectively, authorising them to find out and recover the moveable and immoveable properties which stand in the name of the petitioners’ great-grandfather the Nawab Mir Yousuf Ali Khan Salar Jung Bahaddur III. It is observed from the Deed of Specific Power of Attorney authorising *“Attorney No.2 and 3 are hereby authorized to refer the dispute to arbitration or for the decision of a referee or to make statement binding on me, or to abide by the oath of any person in respect to said claim.”* Further, *“The attorney No.2 Mr.Sanjeev Kumar Raut S/o. Rattan Narayan Raut and attorney No.3 Dr.Pramod Jadhav S/o. Eknatharao Jadhav are hereby authorised to*

jointly sign and file petitions on behalf of the executant. They are authorized to do all kinds of legal things to be necessary to recover my claims.” From the above, it is observed that the deed of specific power of attorney is ambiguous to the extent as to which attorneys are authorised to sign plaints and authorised to discharge other functions in a Court of law. The deed also remains ambiguous upon the matter of authorisation granted to attorney No.1 Syed Zahid Ali to depose on behalf of the petitioner or/and whether he is authorised to depose on behalf of the attorneys No.2 and 3. In the affidavit, except stating that he is the father of the petitioners and one of the GPA holders and well acquainted with the facts of the case he is able to depose, nothing has been stated whether the petitioners have given authorisation to depose on their behalf or the attoneyes No.2 and 3 have jointly given authorisation to depose on their behalf. Furthermore, the said Specific Power of Attorney is executed only on behalf of the petitioner No.1 i.e. Samana Fathima and not on behalf of the petitioner No.2 i.e. Zainab Fatima. At this stage, it is also pertinent to note that in respect of petitioner No.2 i.e. Zainab Fatima, neither any such separate Specific Power of Attorney nor authorisation to represent on her behalf has been filed in the present Application. In such circumstances, we are of the considered view that this application is not in accordance with Rule 32 and 33 of the Civil Rules of Practice and Circular orders in A.P./Telangana. For reference, Rules are extracted hereunder:

“32. Party appearing by Agent:-

(1) When a party appears by any agent, other than an advocate, the agent shall, before making of or doing any appearance, application, or act, in or to the court, file in court the power of attorney, or written authority, thereunto authorizing him or a properly authenticated copy thereof together with an affidavit that the said authority shall subsist, or, in the case of an agent carrying on a trade or business on behalf of a party, without a written authority, an affidavit stating the residence of his principal, the trade or business carried on by the agent on his behalf and the connection of the same with the subject-matter of the suit, and that no other agent is expressly authorised to make or do such appearance, application, or act.

(2) The Judge may thereupon record in writing that the agent is permitted to appear and act on behalf of the party; and unless and until the said permission is granted, no appearance, application, or act, of the agent shall be recognized by the Court.

33. Signing or verification by Agent:-

If any proceeding, which under any provision of law or these rules, is required to be signed or verified by a party, is signed or verified by any person on his behalf, a written authority in this behalf signed by the party shall be filed in court, together with an affidavit verifying the signature of the party, and stating the reason of his inability to sign or verify the proceeding, and stating the means of knowledge or the facts set out in the proceeding of the person

signing or verifying the same and that such person is a recognized agent of the party as defined by order III Rule 2 of the Code and is duly authorized and competent so to do.”

19. As per the Proceedings of this Court on 01.09.2023 and on subsequent dates, learned counsel for the petitioners sought time to file amended cause title however, the same has not been filed except filing a Memo dated 31.08.2023 vide Application (SR) No.15275 of 2023 in C.S. No.13 of 1958 stating that they have applied for furnishing the complete amended cause title in C.S. No.13 of 1958 on 22.08.2023 bearing C.D. No.10850 of 2023 to comply with the office objections in SR No.15275 and 15276 of 2023 in C.S. No.13 of 1958 to the Registry with a request to direct the concerned O.S. Section for complying with the CD. In this regard, it is not out of place to mention that as verified from the Registry, it is informed that the C.D. No.10850 of 2023 was applied on 22.08.2023 and the same was sent to O.S. Section and thereafter the same has been received by the C.D. Section on 31.08.2023 then the C.D. Section called for the lodgement schedule (payment). Since the Applicants did not comply with the objections of the Registry within the prescribed period, the same was struck off on 11.09.2023. However, it appears that no steps were taken to pursue the application for obtaining the amended cause title from the Registry.

20. Further, the petitioners claim to be the legal heirs of Muneerunnissa Begum. On a perusal of the entire affidavit wherein it is submitted that Muneerunnissa Begum was declared as natural daughter of Zainab Begum who was the daughter of late Nawab Mir Yousuf Ali Khan Salar Jung III by Family Court, City Civil Court, Hyderabad in O.S. No.168 of 1998 by order dated 07.04.1999, which had attained finality. However, the said Muneerunnissa Begum was not arrayed as party defendant to the main suit in C.S. No.13 of 1958. It is further submitted that after the death of Muneerunnissa Begum, father and brother of the petitioners were impleaded as legal representatives of Muneerunnissa Begum vide orders in Application No.562 of 2014 dated 26.06.2014 in C.S. No.13 of 1958. However, at that point of time as submitted in the Application, the present Applicants were also stated to be the legal heirs of Muneerunnissa Begum but inadvertently were not brought on record as legal heirs of Muneerunnissa Begum. However, no explanation was submitted to that extent. Even otherwise, upon a perusal of the Application No.562 of 2014 dated 26.06.2014, in the said order, the said Muneerunnissa Begum is not been recorded anywhere as party defendant to the compromise preliminary decree dated 05.03.1959. The learned Single Judge had declared the petitioners' father and brother are the only legal heirs and successors of the Muneerunnissa Begum. The operative portion of the order is extracted for reference:

“Recording the submission of the learned counsel for the applicants that they are the only legal heirs and successors of late Munnerunnisa Begum, who is the grand daughter of Salar Jung-III, and also considering the orders passed by various Courts referred supra, this is of the view that the applicants are necessary parties to C.S. No.13/1958.

Hence, this application is ordered impleading the applicants herein as defendants to C.S. No.13/1958.”

21. That apart, in the present application, filed by the Syed Zahid Ali i.e. father of the petitioners/applicants and one of the GPA holders, has not mentioned anywhere in the affidavit regarding their status as being impleaded in C.S. No.13 of 1958. It is pertinent to note that when the petitioners are claiming to be the legal heirs of the said deceased Muneerunnisa Begum, however, nowhere in the affidavit, filed in support of the Application No.562 of 2014 in C.S. No.13 of 1958, had mentioned the status of late Muneerunnissa Begum as party defendant to the suit. Further, the petitioners have not filed the copy of the compromise preliminary decree to substantiate their lineal descendency. The applicants, at this belated stage, without explaining the status of their mother as party (defendant number) and who is not being arrayed in C.S. No.13 of 1958 in the cause title and in the absence of that, the prayer sought for in this application is without any basis. As such, the claim of the petitioners/applicants to implead them as party defendant based on lineal descendency from the said

Muneerunnissa Begum who herself is not arrayed as party defendant in C.S. No.13 of 1958 cannot be entertained.

22. Even on a perusal of the latest amended cause title issued by the Registry on 27.01.2026, the said Muneerunnissa Begum has not been arrayed as defendant in the cause title, which has been updated by the Registry, from time to time. Further the petitioners' father, who is GPA holder in the present application, was also not arrayed as defendant in the suit in C.S. No.13 of 1958. though an opportunity was given to the parties to file objections, if any, to the Commissioners' report dated 13.10.2025, no objections have been filed on behalf of the Applicants.

23. In view of the foregoing observations and after due consideration of the report of the Commissioner dated 13.10.2025, this Court is of the considered view that the present Application suffers with several material defects and discrepancies and is devoid of merits. Accordingly, the prayer sought for by the Petitioners in the present Application seeking permission to come on record as defendants in C.S. No.13 of 1958 cannot be entertained at this belated stage and this Application No.1 of 2023 in C.S. No.13 of 1958 is liable to be dismissed.

Accordingly, Application No.1 of 2023 in C.S. No.13 of 1958 is dismissed.

APARESH KUMAR SINGH, CJ

N.V. SHRAVAN KUMAR, J

Date: 06-05-2026

Note: L.R. copy be marked.
B/o.
LSK