

**THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR**

**+ Application No.2 of 2023 in C.S. No.13 of 1958**

**% Dated 06-05-2026**

Between:

# Syed Zahid Ali and another

... Applicants/Petitioners

and

\$ Syed Hassan and Four others

... Respondents/Defendants

**! Counsel for the Petitioners**

: Ms. Manjiri S. Ganu

<sup>a</sup> Counsel for the respondents

: Mr. G. Anandam

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## >HEAD NOTE

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? Cases referred:

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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.2 of 2023 in C.S. No.13 of 1958****Date: 06.05.2026****Between:**

Syed Zahid Ali and another

... Applicants/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 Applicants and Mr. G. Ananadam appearing for the respondents.

2. This Application is filed under Section 151 of Civil Procedure Code seeking to declare the preliminary decree passed under the garb of fake and false theory "Salar Jung Died issueless and he was unmarried" of the alleged residues and alleged compromise preliminary decree as not executable. The prayer sought in this Application is extracted for reference:

**"PRAYER**

It is, therefore prayed to this Court may be pleased to pass orders as prayed for:

- a) By an order of this Hon'ble Court, to declare the preliminary decree passed under the garb of fake and false theory "Salar Jung Died issueless and he

was unmarried" of the alleged residues and alleged compromise preliminary decree as not executable.

- b) Allow the present application thereby modifying or altering the preliminary decree passed in C.S. No. 13/1958 dated 05.03.1959 in terms of Clause 11 and subsequent events or a fresh decree be drawn up in view of the subsequent events, thereby declaring/allotting/granting Applicants 1 and 2 and two daughters being true legal heirs of late Muneerunissa Begum, their shares in the estate of Late Nawab Salar Jung Bahadur-III;
- c) Pass orders declaring that the Applicants herein and two daughters, all being true legal heirs of late Muneerunissa Begum only are eligible to inherit the property of late Salar Jung-III.
- d) Upon modification of the preliminary decree or drawing of fresh preliminary decree, a final decree be also passed on the basis of such modified decree in favour of the Applicants, as the case may be.
- e) Pass final Decree, in view of subsequent events and facts, incorporating the shares of Applicants 1 & 2 and two daughters as stated in the application, be passed in favour of the Applicants,
- f) Any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case be also passed in favour of the Applicants
- g) Request to hand over all moveable and immovable properties distribute under the application in C.S. No.13 of 1958 be also passed in favour of the Applicants.

And be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. The Petitioner No.1 represents the petitioner No.2, who is son of petitioner No.1. It is the case of the Applicants that they claim to be the legal heirs of one Muneerunnissa Begum, who was declared as the legal heir of one Zainab Begum, daughter of the Late Nawab Mir Yousuf Ali Khan Salar Jung III, by virtue of decree dated 07.04.1999 in O.S.No.168 of 1998 in the Family Court, City Civil Judge, Hyderabad. An Impleading Application No.562 of 2013 was filed in the Suit in C.S. No.13 of 1958 and was allowed by the High Court on 20.06.2014 observing that the Applicants No.1 & 2 are necessary parties to the said suit. The Applicants and two daughters were declared as class one legal heir and successor of Late Nawab Mir Yousuf Ali Khan Salar Jung Bahadur III vide Succession order dated 18.04.2020 in Suit No.M.A.R.J.I.197 of 2020 in the Court of Civil Judge, Senior Division, Aurangabad.

4. It is submitted that initially, Late Syed Hasan claiming to be the son of maternal uncle of Late Nawab Mir Yousuf Ali Khan Salar Jung Bahadur-III (hereinafter referred to as Nawab Salar Jung Bahadur-III), had filed an Original Suit No.39/1/of 1955 for declaration and partition in the Court of First Judge, City Civil Court, Hyderabad in respect of estate left behind by the said Late Nawab Salar Jung Bahadur-III on the false premise that Late Nawab Mir

Yousuf Ali Khan Salar Jung Bahadur III died unmarried, issueless, and without leaving any surviving parents, grandparents, brothers or sisters or their descendants or paternal uncle or aunt. Several other persons have also filed various separate suits claiming shares in the estate of Late Nawab Salar Jung Bahadur-III in Courts at Hyderabad. All the suits including O.S. No.39/1/of 1955 filed by Shri Syed Hasan were transferred to the High Court of Hyderabad and the said suit was re-numbered as C.S.13 of 1958. It is submitted that in the suit in C.S. No.13 of 1958, Late Syed Hasan deliberately concealed a material fact that Zainab Begum was the legitimate daughter of Late Nawab Salar Jung Bahadur-III. It is further submitted that Salar Jung III was a Shia Muslim, who was married to Kaneez-e-Fatima and out of the wedlock a daughter was born to them and named as Zainab Begum. It is further submitted that the said Zainab Begum was the only and legitimate daughter of Nawab Salar Jung Bahadur-III. The H.E.H. Nizam of Hyderabad had set up an Inquiry Commission to decide the issue of succession to the estate of Late Salar Jung III, and matters incidental thereto before which evidence as to the claim of Ms. Zainab Begum was produced. The Commission was subsequently held to be legally not valid as per order passed by the High Court in Writ Petition No.4/A of 1952 titled as "**Tahira Begum V/s State of Hyderabad**". It is further submitted that various persons holding high posts under the Nizam, and in the Government of India, also filed their affidavits confirming the marriage of Late Salar Jung III and Kaneez-e-Fatima and that Zainab Begum was the legitimate daughter

of Late Salar Jung III. Suit in C.S. No.13 of 1958 was filed by one Syed Hasan who allegedly claimed to be the son of the maternal uncle of late Salar Jung III, against his own brothers and sisters and it was a collusive suit filed to usurp the properties of Ms. Zainab Begum who was a minor at that time.

5. It is further submitted that Kaneez-E-Fatima and Zainab Begum were impleaded as parties in none of the suits, though they are the legitimate legal heirs of Late Nawab Salar Jung Bahadur-III. It is further submitted that all these suits were later on consolidated and transferred to the Andhra Pradesh High Court. It is submitted that Zainab Begum filed an Application No.50 of 1959 in C.S. No.13 of 1958 to be impleaded as a party to the said suit but the same was dismissed by this Court on 03.03.1959. Subsequently, the said order was challenged before the Division Bench in appeal and the Hon'ble Division Bench in its order dated 01.02.1960 observed as under:

***"It is, therefore clear that it was not the intention of learned Judge to express any opinion - on the nature of the claim of the Petitioner. Then apart, we do not think any remarks made by the learned Judge will be taken to be determination of the rights of the parties, or would in any way adversely affect the appellant in any suit that she might be advised to file to establish her rights."***

6. It is further submitted that the Plaintiffs and Defendants as existing on 05.03.1959 in Suit in C.S. No.13 of 1958 and by clubbing suits filed by various other parties compromised the matter behind the back of Ms. Zainab Begum and got the conditional compromise preliminary decree passed on 05.03.1959 without considering the share and rights of Zainab Begum. Thereafter, Zainab Begum filed a suit before the Chief Judge, City Civil Court, Secunderabad in forma pauperis in Original Petition No.2 of 1960 for declaration, partition and possession of movable and immovable properties along with an injunction application. The application for injunction was dismissed, against which Civil Miscellaneous Petitions No.14, 15, and 16 of 1961 were filed before the High Court, wherein the High Court observed vide its order dated 21.04.1961 that there was enough material on record to show that there is a *prima facie* case in support of Zainab Begum and the interim injunction granted on 03.01.1961 was made absolute for a period of six months, thereby directing the Receiver-cum-Commissioner appointed by the High Court in C.S. No.13 of 1958 not to distribute or deliver possession of the properties belonging to Late Salar Jung III. In pursuance to the conditional compromise preliminary decree dated 05.03.1959, a Receiver-Cum-Commissioner was appointed in Suit C.S. No.13 of 1958 and a report was submitted in respect of some of the properties. On the basis of the said report on an application in Application No.417 of 1961 was filed wherein order dated 09.02.1962 was passed in respect of some of the properties. Subsequently the High Court vide orders dated

23.11.2004 and 05.11.2004 clarified that order dated 09.02.1962 was not a final decree and that in various paras of the order dated 09.02.1962, it is borne out that all properties were not finally partitioned. It is further submitted that neither any final decree was passed nor the properties were partitioned and no possession was delivered to the Decree Holder. It is further submitted that the immovable estate left behind by Salar Jung III comprises of his self-acquired/personal properties, Jagirs, Inam, etc., and that inquiry in respect of Jagirs and Inam properties of late Salar Jung III was also initiated in terms of Hyderabad Atiyat Inquiries Act, 1952, wherein the Court of Nizam Atiyat observed that the preliminary compromise decree issued by the High Court in C.S. No.13 of 1958 is not final for the reason that there was no adjudication on merits of the rights of the persons to the compromise. The court further observed that in the said suit, all persons got themselves impleaded and the Court considered their impleading under the provision of the Civil Procedure Code and not under personal laws.

7. It is further submitted that the said Zainab Begum being the only legitimate child of late Nawab Salar Jung III lodged her claim before the Inam Inquiry which was registered as Sub-File No.45 and the parties in C.S. No.13 of 1958 also lodged their claim in the said inquiry before the Atiyat Court, Hyderabad. The Atiyat Court vide its order dated 26.06.1968 directed Zainab Begum to establish her right of succession by producing an order from the Civil Court.

The Plaintiffs, including Syed Hasan and other defendants in C.S. No.13 of 1958 and others clubbed suits and their respective descendants were rejected by the Atiyat Court on the ground that they did not belong to family of Salar Jung III.

8. Thereafter, Zainab Begum appealed before the Appellate Authority (i.e., Vth Board Member of Nazim Atiyat). The Appellate Authority dismissed her application on 31.12.1976 and confirmed the order of Nazim Atiyat order dated 26.06.1968. Thereafter, the said Zainab Begum revived her Original Suit O.P. No.2 of 1960 which was re-numbered as O.S. No.73 of 1969. It is further submitted that Zainab Begum died on 17.08.1972 leaving behind her only minor daughter Muneerunnissa Begum who was at that time aged about 2 years and after the death of Ms. Zainab Begum, her daughter Muneerunnissa Begum succeeded to her estate and since the Applicant No.1 is the husband of Muneerunnissa Begum and Applicant No.2 is their son along with two daughters, they are entitled to inherit her estate i.e. Estate of Salar Jung-III. It is further submitted that the suit in O.S. No.73 of 1969 on the file of Chief Judge, City Civil Court, Hyderabad was compromised between the parties and the said compromise was rejected by the Appellate Board of the Atiyat Court observing that several persons who have no connection with the grantees are parties to it. The Applicants submit that the compromise decree passed in the said suit had become infructuous, and the properties still remained un-partitioned. The Applicants in support of

their submissions rely on **Santan Narain Tewari v. Saran Narain Tewari, AIR 1959 Pat 331.**

9. It is further submitted that upon attainment the age of majority, the said Muneerunnissa Begum filed a declaratory suit bearing O.S.No.168 of 1998 in the Family Court, City Civil Judge, Hyderabad, which was decreed in favour of Ms. Muneerunnissa Begum vide its Judgment and Order dated 07.04.1999. It is submitted that the Plaintiff in O.S. No.168 of 1998 is the only legal heir who could establish that she is the legal heir of the late Salar Jung III by virtue of decree dated 07.04.1999 whereby Ms. Muneerunnissa Begum was declared to be the natural daughter of Ms. Zainab Begum who in turn was the sole daughter of late Salar Jung Bahadur III. Later the Decree dated 07.04.1999 passed in O.S. No.168 of 1998 was challenged by the descendants of the original suit and defendants of C.S. No.13 of 1958 by a separate Suit bearing No.RCS 776 of 2002 on the file of Senior Division Aurangabad along with injunction application. The injunction application, filed in Regular Civil Suit No.776 of 2002, was dismissed vide order dated 03.02.2003. The said Regular Civil Suit bearing No.776 of 2002 was eventually dismissed in default and the decree dated 07.04.1999 passed in O.S. No.168 of 1998 became final and unchallenged. Similarly, Syed Abdul Wahab (defendant in C.S.13 of 1958) had also challenged the Family Court Decree by separate Suit in O.S. No.411 of 2003 which was dismissed

by the Court and the Court directed the petitioner to approach the appropriate Court.

10. It is submitted that again, Syed Abdul Wahab (the defendant No.5) in the present Suit, filed a Civil Suit by name O.S. No.1449 of 2008 before the IX Junior City Civil Judge Court, Hyderabad against Muneerunnissa Begum challenging the judgment and decree dated 07.04.1999 passed by the Family Court, City Civil Court, Hyderabad in O.S. No.168 of 1998, which was also dismissed vide Judgment and Order dated 24.07.2013 passed by the City Civil Judge, Hyderabad. It is further submitted that after the death of Muneerunnissa Begum, her husband Syed Zahid Ali and children Syed Murtuza Ali, Samana Fatima and Zainab Fatima were brought on record as legal heirs of Muneerunnissa Begum before the IX Junior City Civil Judge Court, Hyderabad in O.S. No.1449 of 2008. It is further submitted that the said Muneerunnissa Begum died on 14.01.2009 leaving behind her husband Syed Zahid Ali who is Applicant No.1 and her son Syed Murtuza Ali who is Applicant No.2 herein and two daughters namely Samana Fatima and Zainab Fatima.

11. It is further submitted that as per the direction of the Court of Nazim Atiyat, the said Zainab Begum approached the Civil Court to obtain her succession. The said Zainab Begum expired on 17.08.1972 leaving behind her minor daughter Smt. Muneerunnissa Begum. Upon attainment of majority, the said Muneerunnissa Begum filed a suit for a declaration of legitimacy in the Family Court at Hyderabad.

The Family Court at Hyderabad declared her as natural daughter of Zainab Begum who in turn was the legal daughter of Nawab Salar Jung Bahadur III. After the death of Smt. Muneerunnissa Begum, the present Applicants No.1 and 2 herein along with two daughters filed a suit for Succession Certificate in the Court of Civil Judge Senior Division, Aurangabad bearing M.A.R.J.I. No.197 of 2020. The Court of Civil Judge Senior Division, after scrutinising all the submitted evidences, documents, orders, judgments etc., thereby declared the Applicants along with two daughters as Class one legal heirs and successors of Nawab Salar Jung Bahadur III vide Certificate M.A.R.J.I. No.197 of 2020 issued under Section 372 of the Indian Succession Act on 18.04.2020. 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 vide 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 in Civil M.A. No.209 of 2021, which was also dismissed on 05.02.2022. The Applicants submit that the Suit in C.S. No.13 of 1958 is still pending and no final decree partitioning all the properties or the entire estate left behind by late Salar Jung III is passed and the High Court vide order dated 23.11.2004 clarified that the Suit is not finally disposed of by way of a final decree, and sustained the objections raised by the Office and ordered that final decree can only be passed by taking view of all the parties to the Suit which has not

been finally disposed of. It is further submitted that the preliminary decree can be modified or altered by varying the shares, or determining the shares of the parties, who were rightfully entitled to the share, but were not made parties to the said Suit, before passing the final decree and that even a new preliminary decree can be passed in view of subsequent facts so as to give share to the rightful claimants. In support of their case, the Applicants relied on in the case of **Phoolchand v. Gopal Lal, (1967) 3 SCR 153 : AIR 1967 SC1470** and further the applicants referred to the case of **A.V. Papayya Sastry & Ors v. Government of A.P. & Ors, (2007) 4 SCC 221.**

12. It is further submitted that in view of the aforesaid events and by virtue of the Court orders that the true legal heirs to the estate of Late Salar Jung III be given their respective share, the Applicants pray that the preliminary decree dated 05.03.1959 be either modified or a fresh preliminary or a final decree be drawn in view of subsequent events, whereby Applicants No. 1 & 2 and two daughters have their right to the Estate of Late Salar Jung III.

13. In the above facts and circumstances, the Applicants pray this Court to issue appropriate directions to the concerned authorities to release entire assets and properties of late Nawab Salar Jung Bahadur III in favour of Applicants herein being the legal heirs and successors.

14. Heard the learned counsel for the parties and perused the material made available on the record.

**COURT PROCEEDINGS:**

15. On a perusal of the record, it appears that during the course of scrutiny of the Application, the Registry returned the Application (SR) with the following objections:

*“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 follows:

*“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.”*

16. In this regard, the Registry made an endorsement that *“when the case was listed on 11.08.2023 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 an adjournment to enable her to comply with the office objections. List after three weeks.”*

17. Thereafter, the learned counsel for the Applicants had endorsed 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 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.*

*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 applicants, 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.”*

18. From the above record of Court proceedings, it is clear that though several opportunities were given to comply with the office objections to the extent of filing of amended cause title, no compliance was reported except filing a Memo dated 31.08.2023 in Application (SR) No.15276 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:**

19. This Application is filed by the Applicants seeking to declare the preliminary decree passed under the grab of fake and false theory “Salar Jung Died issueless and he was unmarried” of the alleged residues and alleged compromise preliminary decree as not executable. It is to be noted 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 dated 05.03.1959 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 enabling the parties to 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'. On perusal of the record, present Application is filed on 17.04.2023.

### **COMMISSIONER'S REPORT**

20. For better appreciation, it is necessary to extract the relevant portion of the report dated 13.10.2025 for reference:

#### **"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:**

21. 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.

22. 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.

23. The Hon'ble Supreme Court in **Bimal Kumar and another Vs. Shakuntala Debi and others**<sup>1</sup> 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 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

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<sup>1</sup> (2012) 3 Supreme Court Cases 548

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:**

24. That apart, the Application filed by Syed Zahild Ali S/o. Late Mir Sadiq Ali and husband of late Muneerunissa Begum filed/deposed an affidavit is not in accordance with the 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.”

25. As per the Proceedings of this Court on 01.09.2023 and on subsequent dates, learned counsel for the Applicants 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.15276 of 2023 in C.C. 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 however, it appears that thereafter no steps were taken to pursue the application for obtaining the amended cause title from the Registry and inspite of opportunity was granted to file objections, if any, to the Commissioners’ report dated 13.10.2025, no objections have been filed on behalf of the Applicants. That apart, the Applicants have failed to substantiate their contention that the preliminary decree dated 05.03.1959 was passed under the garb of a false theory and in the absence of any cogent supporting explanation and reasons, the Application is devoid of merits and is liable to be dismissed.

26. In view of the foregoing observations and after due consideration of the report of the Commissioner dated 13.10.2025, since no objections were filed to the Commissioner's report, 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 Applicants in the present Application seeking permission to declare the preliminary decree passed under the garb of fake and false theory "Salar Jung Died issueless and he was unmarried" of the alleged residues and alleged compromise preliminary decree as not executable cannot be entertained at this belated stage and this Application No.2 of 2023 in C.S. No.13 of 1958 is liable to be dismissed.

Accordingly, Application No.2 of 2023 in C.S. No.13 of 1958 is dismissed.

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**APARESH KUMAR SINGH, CJ**

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**N.V. SHRAVAN KUMAR, J**

**Date: 06-05-2026**

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