

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 2024 in C.S. No.13 of 1958

And

I.As. No.1 and 2 of 2024 in Application No.1 of 2024 in C.S. No.13 of 1958

Date: 20.02.2026

Between:

Agha Syed Mohammed Ali Shustri
S/o. Late Agha Syed Abbas Shustri
Aged about 69 years, Occ: Business
H.No.R/o.4-11-14/1, Khayam Nagar, Upparpally,
Ranga Reddy District and Fourteen others

... Proposed Implead Petitioners/Defendants

And

Lateefunnisa Begum
W/o.Late Nawab Syed Hasan Pasha,
Aged about 40 years,
R/o.Dewan Devidi and Two Hundred and Thirty Two others

... Respondents

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

Mr. E.Bheema Rao, learned counsel representing
Mr. T.K.Sridhar, learned counsel for the Applicants and
Mr. Mohammed Imran Khan, learned Additional Advocate General
appearing for the respondents-State.

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 petitioners to implead as respondents/defendants in
C.S. No.13 of 1958. The petitioners are 15 in number and the

petitioner No.1 on his behalf and on behalf of the other petitioners filed the present Application under authorisation.

3. It is the case of the Petitioners that the Petitioner's Late mother Humayun Begum, the legal descendent of Mir Alam Bahadur, Daughter Habeebunnisa, has executed a will in the name to act as an executor to protect the interest of her Son's and Daughter's, petitioner's late mother, expired on 29.03.2020. After her demise the will came into operation.

4. The petitioner's mother late Smt. Humayun Begum, participated in Inam Enquiry of Salar Jung Estate in 2/56 and she was allotted File No.18 and 99. During Inam enquiry, she submitted her four generations prior successions up to her grandfather Mir Baquar Ali. The said Bakar Ali had a daughter by name Zainab Begum, who was also a party to the Inam Enquiry 2/56. Thereafter, petitioner's late mother participated in the Inam Enquiry for Mir Alam Bahadur, properties which were part of Salar Jung Estate. During the enquiry, petitioner's late mother submitted the Sanad's (title certificate) pertaining to Mir Alam Bahadur and his Wife Zaibunnisa Begum and also the Sanad's pertaining to Mir-i-Duran and his wife Noorjahan Begum. The Atiyat Court got verified the said Sanad's with the State Archives and confirmed them to be true and correct and also confirmed the sale Deeds of various Maqtas purchased by Mir Alam Bahadur and Zaibunnisa Begum thus, those properties does not fall within the purview of Hyderabad Jagir

Abolition Regulation Act 1358 Fasli. During the course of Atiyat Enquiry, none of the claimants have objected to her claim and after examining the claim of Humayun Begum, directed her to approach the appropriate Forum to seek relief.

5. Aggrieved by the Atiyat Judgement dated 26.06.1968 some of the unsuccessful claimants preferred an Appeal before Board of Revenue which passed order on 31.12.1976 and the said Appeal was only partly allowed without disturbing the findings given by the Atiyat Court in her favour.

6. Thereafter, petitioner's late mother filed O.S.No.3861 of 2004 on the file of the VIII Junior Civil Judge, City Civil Court, where a Decree of Declaration was given stating that the petitioner's mother is great-grand-daughter of Mir Alam Bahadur.

7. Further, petitioner's late mother filed an Application for release of one of the properties of (Arazi Maqta) of Mir Alam Bahadur namely Saheb Nagar Kalan Village, wherein one Syed Alamdar Hussain and eight others also filed their Claim Petition, through their GPA holder before the CCLA, which was about to act on the Judgement and Decree in O.S.No.3861 of 2004, and the said persons have filed O.S.No.271 of 2013 for seeking cancellation of the Judgement and Decree in O.S.No.3861 of 2004 on the basis that one Smt. Habibunnisa Begum is a fictitious person and not born to Mir Alam Bahadur and the said suit was dismissed against which the

plaintiffs in O.S. No.271 of 2013 filed appeal suit No.83 of 2017 on the file of the X Chief Judge, City Civil Court, Hyderabad, and the said appeal was dismissed for default by the said Court on 23.11.2022.

8. It is further submitted that one Sri Zehra Ali Mirza and four others filed suit in O.S. No.287 of 2007 against Humayun Begum and two others seeking declaration that they are great grand-daughters of late Mir Alam Bahadur and also sought to cancel the Judgement and Decree passed in O.S.No.3861 of 2004 dated 24.08.2005 as illegal and void. The Court after considering the documents from both sides was pleased to declare the Plaintiffs No.1 to 5 are the great grand-daughters of Late Mir Alam Bahadur (Mir Abul Khasim), the suit for cancellation of judgement and decree in O.S.No.3861 of 2004 dated 24.08.2005 was dismissed against which, the plaintiffs filed A.S.No.264 of 2010 and petitioner's mother Humayun Begum and others filed A.S.No.72 of 2017, the Chief Judge, City Civil Court Hyderabad and the Appellate Court observed as under at Paras No.27 and 28, which are extracted for reference:

"in O.S. No.3861 of 2004 it is submitted that exhibit A8 is the copy of family tree filed by first Defendant that plaintiff failed to rebut this evidence though the burden is on him to prove. The plaintiffs have taken plea in O.S. No.3861 of 2004 that the translation filed by the first Defendant is contrary to original script but he failed to prove the same discussing in length the trial court found that it is believed that the plaintiff is not entitled to seek relief for

cancellation of Decree considering the various document the trial court rightly arrived that the findings and this court is of the opinion that those findings are good reasoning and hence they do not require any interference by the appellate court. In view of my above discussion, I am of the opinion that the judgement of the trial court does not suffer from any infirmity and needs no interference".

9. In view of the above, succession of the petitioner's late mother Humayun Begum was confirmed by the various Courts and authorities and the Salar Jung Estate has got mixed properties.

10. It is further submitted that the petitioner's late mother was informed about release of Zarkharid properties of late Mir Alam Bahadur as petitioner's mother is the lone successor of the pedigree of Mir Alam Bahadur as per the certified copies of the genealogical tree issued by the CCLA and the Jagir Abolition Regulation Rules does not apply to them and further, vide letter No.808/CH date 24th April, 1954 has released 12 properties on the ground that Maqtas are Arazi Maqtas and the same have to be released from integration and another notification was issued on 20.06.1968, No.7/Rev/66/K.5/1518, containing list of 21 Properties which also had repetition of two to three Maqtas already released in the year 1954 in favour of the Group 2 Claimants in which category petitioner's mother belongs to and all other properties under notification are treated as Inam Properties of Late Mir Alam Bahadur, either as Inam Lands or Self

Purchased properties and thus does not fall under the definition of Jagirs or under the Hyderabad Jagir Abolition Regulations 1358 Fasli.

11. While the things stood thus, two suits in O.S.No.39/1 and 40/1 of 1955 were filed before the Chief Judge, City Civil Court for partition of Mathruka Properties of Salar Jung-III Estate. Later, the said suits were entrusted to this Court by consolidating the same into C.S.No.13 of 1958. Originally, the suit had 9 Plaintiffs and 19 Defendants and later on other Defendants were impleaded and the said Partition Suit wanted the division of both movable and immovable properties of Salar Jung Estate. On 05.03.1959 a compromise was entered in between the plaintiffs and Defendants and as per clause Para 11 of the compromise decree, it is recorded that any Shareholders when he succeeds at any time he can be impleaded as a Defendant to claim his Share on the same basis on Smt.Muneerunnisa Begum who claimed herself to be daughter of Salar Jung-III, by virtue of a Muta Marriage her mother, with Salar Jung-III, as obtained succession from the City Civil Court, and also impleaded herself as defendant before this Court vide order passed in Application No.562 of 2014 in C.S.No.13 of 1958 and the same was allowed.

12. Eventually, it is submitted that the petitioners have substantial and legal interest in the properties of late Mir Alam Bahadur, which were mixed up with Salar Jung Estate as such it is just a necessary to implead the son's and daughter's of Humayun Begum as defendants in C.S. No.13 of 1958. Further, whatever the properties belongs to

Mir Alam Bahadur has to be separated from Salar Jung properties and final decree has to be molded accordingly or else the Applicants would suffer irreparable loss and injury as their valuable inherited property rights are being deprived since 70 years.

COURT PROCEEDINGS:

13. For better appreciation, proceedings conducted by this Court from time to time are extracted hereunder:

"02.02.2024

Mr. T.K.Sridhar, learned counsel for the petitioners.

After arguing the matter to some extent, learned counsel for the petitioners prays for adjournment in order to enable him to place on record a copy of the family tree.

List in the next week.

13.09.2024

Application No.1 of 2024

Mr. T.K.Sridhar, learned counsel for the applicants.

After arguing the matter to some extent, learned counsel for the petitioners submits that he would file the appropriate succession certificates confronting in these applications sourcing the petitioners' title from the predecessors, who have compromised and a preliminary decree has been passed on 05.03.1959 to establish the family descendency and file succession certificates to that effect by next date of hearing.

Post after six weeks enabling the petitioners to obtain succession certificates.

12.12.2025

Mr. T.K. Sridhar, learned counsel for the applicants.

Mr. Mohammed Imran Khan, learned Additional Advocate General appears for the respondent State.

At request of the learned counsel for the applicants, list the matter after one week.

19.12.2025

Mr. T.K.Sridhar, learned counsel appearing for the applicants seeks further time to file succession certificate.

Mr. Mohammed Imran Khan, learned Additional Advocate General appears for the respondent-State.

As prayed by learned counsel for the applicants, list this matter on 09.01.2026.

It is made clear that no further adjournment shall be granted.

23.01.2026

Heard Mr. E.Bheema Rao, learned counsel representing Mr. T.K.Sridhar, learned counsel for the applicants and Mr. Mohammed Imran Khan, learned Additional Advocate General appearing for the respondent-State.

Arguments concluded.

Reserved for orders.”

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

15. In spite of granting several opportunities, petitioners have neither filed any Succession Certificate nor any proceedings sourcing their legal heir status.

16. This Application has been filed by the petitioners seeking permission to come on record as respondents/defendants in C.S. No.13 of 1958 as they have substantial and legal interest in the properties of late Mir Alam Bahadur, which were mixed up with Salar Jung Estate as such, it is just and necessary to implead the son's and daughter's of Humayun Begum as defendants in C.S. No.13 of 1958. Further, whatever the properties belongs to Mir Alam Bahadur has to be separated from Salar Jung properties and final decree has to be molded accordingly.

17. 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 may 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'.

18. On perusal of the record, present Application is filed on 30.10.2023.

COMMISSIONER'S REPORT

19. 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:

20. 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 2024 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.

21. 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 O.S. No.13 of 1958 and the Commissioners have rightly observed in report that, it amounts to discarding the compromise preliminary decree dated 05.03.1959.

22. 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 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

¹ (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:

23. That apart, the petitioner No.1 has filed the present Application and in support of this Application filed affidavit stating that
“I am authorised to swear to this affidavit on behalf of other petitioners

as well under authorisation.” However, he has not filed any authorisation to that extent seeking permission of this Court to act on behalf of other Applicants. Therefore, this Application 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.”

24. As per the Proceedings of this Court on 02.02.2024 learned counsel for the petitioners sought time to place on record a copy of the family tree. On 13.09.2024, learned counsel for the petitioners submitted that he would file the appropriate succession certificates confronting the Application sourcing the petitioners' title from the predecessors, who have compromised and a preliminary decree has been passed on 05.03.1959 in order to establish the family descendancy and file succession certificates to that effect by the next date of hearing, however, no such Succession Certificate was filed. On 19.12.2025, learned counsel for the petitioners sought further time to file succession certificate, however, has not filed. In spite of several opportunities granted by this Court, the petitioners could not properly explain their legal heirship status and their inclusion/relevancy in the present suit. That apart, the petitioners

pray that whatever properties belong to Mir Alam Bahadur have to be separated from Salar Jung properties and final decree has to be moulded accordingly. As rightly observed by the Commissioners in their Report dated 13.10.2025 enquiring in Application No.1 of 2024 in C.S. No.13 of 1958 which amount to discarding the compromise preliminary decree dated 05.03.1959.

25. In spite of opportunity was given to file objections, if any, to the Commissioners' report dated 13.10.2025, no objections have been filed.

26. 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 respondents/defendants in C.S. No.13 of 1958 cannot be entertained at this belated stage and this Application No.1 of 2024 in C.S. No.13 of 1958 is liable to be dismissed.

27. Further, I.As. No.1 and 2 of 2024 in Application No.1 of 2024 in C.S. No.13 of 1958 have been filed seeking permission to file Additional Affidavit along with material papers in Application No.1 of 2024 and seeking to permit the petitioners No.16 to 20 to be brought on record as petitioners No.16 to 20 in the Application No.1 of 2024 in

C.S. No.13 of 1958 as well as all I.As., being legal heirs of petitioner No.1, respectively.

28. In view of the reasons stated in the affidavits, filed in support of I.As. No.1 and 2 of 2024 in Application No.1 of 2024 in C.S. No.13 of 1958, and consequent upon dismissal of the Application No.1 of 2024 in C.S. No.13 of 1958, these Interlocutory Applications cannot be considered at this belated stage as the petitioners ought to have filed the material papers, which have been filed in the additional affidavit, before the concerned trial Court, which would be the basis for determining for issuance of Succession Certificate.

29. Accordingly, Application No.1 of 2024 in C.S. No.13 of 1958 and the I.As. No.1 and 2 in Application No.1 of 2024 in C.S. No.13 of 1958 are dismissed.

APARESH KUMAR SINGH, CJ

N.V. SHRAVAN KUMAR, J

Date: 20-02-2026
LSK