IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY ,THE SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SRI JUSTICE N.V.SHRAVAN KUMAR

O.S.A. NO: 1 OF 2024 in Aplication No. 837 of 2013 in C.S.No. 7 of 1958

Appeal Under Clause 15 of Letters Patent aggrieved by the final decree order dated 19-09-2013 passed in Application No. 837 of 2013 in C.S.No. 7 of 1958 on the file of the High Court.

Between:

1. Nawab Mohd. Shamsuddin Khan, S/o. Late Nawab Lateefuddin Khan, aged about 75 years, Occ: Retired, R/o. H. No. 11- 5- 416/1. Red Hills, Hyderabad.
2. Janaba Ahmedunnisa Begum, D/o. Late Nawab Lateefuddin Khan, aged about 73 years, Occ: Household, R/o. Sulte 339, 515, St. Laurent, Bivd, Ottawa KIK 3X5 Ontario, Canada.
3. Janabva Mohboobunnisa Begum, D/o. Late Nawab Lateefuddin Khan, aged about 69 years, Occ: Household, R/o. Flat. No. 402, Indra Lod Apartments, Banjara Hills, Hyderabad
4. Nawab Mohammed Fakruddin Khan @ Shaik Mohammed Faqheruddin Khan, S/o. Late Lateefuddin Khan, aged about 73 years, R/o. H. No 8- 2- 603/2/C, Road No 10, Banjara Hills, Hyderabad- 500034.
5. Janaba Jameelunnisa Begum, D/o. Late Nawab Lateefuddin Khan aged about 61 years, Occ: Household, R/o. H. No. 5037, Willow Wood Drive, Missisauga L5R 3 Rs. Ontario, Canada.
6. Janaba Mohamedunnisa Begum, D/o. Late Nawab Lateefuddin Khan, aged about 60 years, Occ: Household, R/o. H. No. 11- 5- 416/1 Red Hills, Hyderabad.

...APPELLANTS/ Defendant No. 4 (B) (C) (E)(F)(G)& (H) in C.S.No. 7 of 1959
Appellants 1, 2, 4 & 5 are represented by their GPA Holder Appellant No.4 vide Notarized GPA.

AND

1. M/s. Anish Construction Co. ,, Represented by its Proprietrix Smt. Nirmala D. . D/o. Shree Digambar Rao. Having the office at 4- 1- 1001, Atria Mall, Abids, Hyderabad - 1.
2. My Palace Mutually Aided Co- operative Society, Represented by its President Sri Sripad Deshpande, S/o. Late Sri. M. G. Deshpande, aged about 47 years, Occ Business. Having the office at Flat No. 202, Pleasant Park Apartments, Shantinagar Colony, Second Cross Road, Hyderabad - 28. .. Respondents/ Petitioners in Appl.No. 837/2013 in C.S.No. 7/1958.

3. Sahebzadi Sultan Jahan Begum, (Died).

4. D- 1 Nawab Zahir Yar Jung Bahadur, (Died).

5. D- 2. Mazharuddin Khan (Died), Per L. Rs. , Respondent No. 6 to 10.

6. (D- 2(a) Nawab Mohd. Moinuddin Khan, S/o. Mazharuddin Khan, aged about. 70 years, Occ Household, R/o. Masabtank, Hyderabad.

7. (D- 2(b) Nawab Mohd. Mohiuddin Khan, S/o, Mazharuddin Khan, aged about 68 years, R/o. Kakatiyanagar, Nanalnagar, Hyderabad.

8. (D- 2(c) Janaba Panwarishunnisa Begum, D/o. Mazharuddin Khan, aged about 73 years, Occ Household, R/o. H. No. 6- 2- 30/2, Lakdikapul, Hyderabad.

9. (D- 2(d), Janaba Qamarunnisa Begum, D/o. Mazharuddin Khan, aged about 69 years, Occ household, R/o. H. No. 6- 3- 597/A, Banjara Hills, Hyderabad.

10. (D- 2(e). Janaba Viqarunnisa Begum, D/o. Mazharuddin Khan, aged about 60 years, Occy Household, R/o. Karnataka. H. No. 33/44, Block Koramangla, Bangalore.

    (Respondents No. 6 to 10 are added as Defendants No. D- 2(a) to (e) In Appl. No. 73/2000 In C. S. No. 7/1958 order dated 2- 2- 2000, being the legal representatives of deceased Defendant No. 2 Mazharuddin.

11. (D. 3) Bashir Jung (Died) Per L. Rs. ,, Respondents No. 12 to 17.

12. (D. 3(a). Nawab Shahabuddin Khan, (Died issueless), S/o. Bashir Jung.

13. (D3(b). Nawab Shahiduddin Khan (Died), S/o. Bashir Jung

14. (D- 3(c). Janaba Siddiqa Sultana Begum, W/o. Late Nawab Sirajuddin Khan, aged about 60 years, Occ Household, R/o. H. No. 6- 3- 1102, Hidden Treasure Apartments, Somajiguda, Hyderabad.

15. (D- 3(d). Nawab Nizamuddin Khan, S/o. Late Bashir Jung, aged about 52 years, Occ Business, R/o. H. No. 4- 14- 75/A, Hasan Nagar, Hyderabad.

16. (D- 3(e). Janaba Mohammed Unnisa Begum, D/o. Late Bashir Jung, aged, about 55 years, Occ Household, R/o. Humayun Nagar, Hyderabad.

17. (D- 3(f). Janaba Inteqabunnisa Begum (Died), D/o. Late Bashir Jung. (Respondents No. 12 to 17 are added as Defendants No. D3(a) to D(f) in Appl. No. 73/2000 In C. S. No. 7/1958 vide order dated 2- 2- 2000, being the legal representatives of deceased Defendant No. 3 Bashir Jung. R-65 10- 4) Lateefuddin Khan (since deceased per L. Rs. , (D- 4(a) to (o), Respondents No. 17 to 31.

18. (D- 4). Lateefuddin Khan, (since deceased per L. Rs (D- 4)(a) to (o) 19- 27

19. (D- 4(a). Janaba Kamalunnisa Begum, W/o, Late Nawab Lateefuddin Khan, aged about 92 years, Occ: Nil, R/o. Flat No. 507, Kushal Towers, Khairatabad, Hyderabad

20. (D- 4(d). Janaba Habeebunnisa Begum, D/o. Late Nawab Lateefuddin Khan, aged about 70 years, Occ: Household, R/o. Flat No. 508, Kushal Towers, Khairtabad, Hyderabad.

21. (D- 4(i) Janaba Noorunnisa Begum (Died), D/o. Late Nawab Lateefuddin Khan

22. (D- 4(j) Nawab Mohd. Naseeruddin Khan, S/o. Late Nawab Lateefuddin Khan, aged about 59 years, Occ Employee in abroad, R/o. Post Box No. 228, Sharjah, U. A. E.

23. (D4(K). Janaba Aasia Begum, W/o. Late Nawab Lateefuddin Khan, aged about 80 years, Occ Household, R/o. Flat No. 402, Indra lok Apartments, Banjara Hills, Hyderabad.

24. (D- 4(1). Janaba, Shabana Begum, D/o. Late Nawab Lateefuddin Khan, aged about 60 yoars, Occ Household, R/o. Flat No,402, Indra lok Apartments, Banjara Hills, Hyderabad.

25. (D4(m). Janaba Muneer Begum, D/o. Late Nawab Lateefuddin Khan, aged about 59 years. Occ Household, R/o. Flat No. 402, Indra lok Apartments, Banjara Hills, Hyderabad.

26. (D 4(n). Nawab Khamruddin Khan, S/o. Late Nawab Lateefuddin Khan, aged about 53 years, Occ Business, R/o. Flat No. 402, Indra lok Apartments, Banjara Hills, Hyderabad.

27. (D4 (0). Nawab Azizuddin Khan, S/o. Late Nawab Lateefuddin Khan, aged about 57 years Occ Business, R/o. Flat No. 402, Indralok Apartments, BanjaraHills Hyderabad.

(Respondents No. 19 to 27 and appellants were added as per order of the 4(court dated 19- 12- 58 in Appl. No. 127/58 as Defendants No. D- 4(a) to D- 4(o) In C. S. No. 7/1958 and defendant No. 4(k) appointed guardian.

28. (D- 5). Iftekharuddin Khan, (deceased) Per Legal Representatives Respondents 4) No. 29 to 34 as Defendants No. D- 5(a) to D- 5(f).

29. (D- 5(a). Janaba Azizunnisa Begum (Died), W/o. Late Iftekharuddin Khan.

30. (D- 5(b). Janaba Ghouseunnisa Bagum, D/o. Late Iftekharuddin Khan, aged about 72 years, R/o. Roshan Vihar, Santoshnagar Hyderabad.

31. (D- 5(c). Nawab Khamruddin Khan, S/o. Late Iftekharuddin Khan, aged about 70 years, R/o. H. No 17- 1- 365, Asmajahi Tombs Santoshnagar, Hyderabad.

32. (D- 5(d), Janaba Shoukathunnisa Begum, D/o. Late Iftekharuddin Khan, aged about 68 years, R/o. H. No. 5. 9- 246/1, Chirag Ali Lane, Abids, Hyderabad.

33. (D- 5(e). Nawab Mohd. Akbaruddin Khan, S/o. Late Iftekharuddin Khan, aged about 66. years, Occ Business, R/o. H. No. 17- 1- 30/4/1, Eldi Bazaar, Ramchandra Nagar, Hyderabad.

34. (D- 5(f) Janaba Khairunnisa Begum, D/o. Late Iftekharuddin Khan, aged about 64 years, Occ Household, R/o. Roshan Vihar, Santoshnagar, Hyderabad.

35. (D- 6). Ahmeduddin Khan (Died) per L. Rs. ,, Respondents No. 36 to 45.

36. D- 6(a). Janaba Alzalunnisa Begum (Died), W/o. Late Ahmeduddin Khan.

37. (D- 6(b). Janaba Viciarunnisa Begum, D/o. Late Ahmeduddin Khan, aged about 65 years, Occ Household, R/o. H. No. 16- 11- 234, Judges Colony Malakpet, Hyderabad.

38. (D- 6(c). Janaba Hameedunnisa Begum, D/o. Late Ahmeduddin Khan, aged. about 63 years, Occ: Household, R/o. Opp Farhath Nursing Home, Saleem nagar Colony. Hyderabad.

39. (D- 6(d). Nawab Mohd. Khaja Moinuddin Khan, S/o, Late Ahmoduddin Khan, aged about 60 years, Occ: Business, R/o. Flat No. 301, Pleasant Park Apartments, Shantinagar Colony, Masabank, Hyderabad.

40. (D- 6(e). Nawab Mohd. Nizamuddin Khan, S/o. Late Ahmeduddin Khan,aged . about 58 years, Occ: Business, R/o. H. No. 19- 2- 137/B/106, Kalapathar Bilalnagar, Hyderabad.

41. (D- 6(f) Janaba Yousufunnisa Begum, D/o. Late Ahmeduddin Khan, aged about 56 years. Occ: Household, R/o. . No. 19- 2- 137/8/106, Kalapathar, Bilalnagar, Hyderabad.

42. (D- 6(g). Janaba Haseebunnisa Begum, D/o. Late Ahmeduddin Khan, aged about 54 years, Occ: Household, R/o. H. No. 19- 2- 137/B/106, Kalapathar, Bilalnagar, Hyderabad.

43. (D- 6(h). Janaba. Maherunnisa Begum, D/o. Lato Ahmeduddin Khan, aged. about 52 years, Occ: Household, R/o. Flat No. 301, Pleasant Park. Apartments Shantinagar Colony, Masabtank, Hyderabad.

44. (D- 6(i). Nawab Mohd. Rafuddin Khan, S/o. Late Ahmeduddin Khan, aged about 50 years, Occ: Business, R/o. Saleemnagar Colony, Hyderabad.

45. (D- 6(j). Janaba Nikhathunnisa Begum, D/o. Late Ahmeduddin Khan, aged about 48 years, Occ: Household, R/o. Flat No. 301, Pleasant Park Apartments, Shantinagar Colony, Masabtank, Hyderabad.

(Respondents No. 36 to 45 are added as Defendants No. D- 6(a) to. (j) in Appl. No. 73/2000 In C. S. No. 7/1958 vide order dated 2- 2- 2000, being the legal representatives of deceased Defendant No. 6 Ahmeduddin Khan.

46. (D- 7). Afsaruddin Khan (Died) Per L. Rs., Respondents No. 47 to 49.

47. (D- 7(a). Janaba Basheer Banu, W/o. Late Afsaruddin Khan, aged about 58 years, Occ: Household, R/o. H. No. 16- 2- 70/1, Shankar Bazaar, Gaddlanaram, R. R. District.

48. (D- 7(b). Janaba. Vigar Banu, D/o. Late Afsaruddin Khan, aged about 35 years, Occ Household, R/o. H. No. 16- 2- 70/1, Shankar Bazaar, Gaddlanaram, R. R. District.

49. (D- 7(c). Nawab Jahangiruddin Khan, S/o. Late Arsaruddin Khan, jaged about34 years, Occ Business, R/o. H. No. 16- 2- 70/1, Shankar Bazaar, Gaddlanaram, R. R. District.

(Respondents No. 47 to 49 are added as Defendants No. D- 7(a). to (c) In Appl. No. 73/2000 in C. S. No. 7/1958 vide order dated 2- 2- 2000, being the legal representatives of deceased Defendant No. D- 7 Afsaruddin Khan.

50. (D- 8). Iqbaluddin Khan (Died), S/o. Late Nawab Moinuddowla Bahadur.

51. (D- 9). Wajihuddin Khan (Died), per L. Rs. , Respondents No. 52 to 60.

52. (D- 9(a). Janaba Fareedunnisa Begum (Died), W/o. Wajihuddin Khan.

53. (D- 9(b). Nawab Afzaluddin Khan, S/o. Wajihuddin Khan, aged about 66 years, Occ Business, R/o. 75/A, Katedhan, Shivrampally, R. R. District.

54. (D- 9(c). Nawab Azeemuddin Khan, S/o. Wajihuddin Khan, aged about 68 years R/o. 22- 5- 484, Panjeshah, Hyderabad.

55. (D- 9(d). Nawab Yousufuddin Khan, S/o. Wajlhuddin Khan, aged about 58 years, Occ Business, R/o. H. No, 19- 3- 262/2/5, Jahanuma, Hyderabad.

56. (D- 9(e). Janaba Viqarunnisa Begum, D/o. Wajihuddin Khan, aged about 62 years, Occ Household, R/o. H. No. 8- 5- 11/2, Uddamgadda, Bandlaguda, R. R. District.

57. (D. 9(f), Janaba Sayeedunnisa Begum, D/o. Wajihuddin Khan, aged about 54 years, Occ Household, R/o. H. No. 8- 5- 11/2, Uddamgadda, Bandlaguda, R. R. District.

58. (D. 9(g), Nawab Asifuddin Khan, S/o, Wajlhuddin Khan, aged about 50 years, Occ Business, R/o. H. No. 8- 6- 11/2, Uddamgadda, Bandlaguda, R. R. District.

59. (D- 9(h), Nawab Moinuddin Khan, S/o. Wallihuddln Khan, aged about 52. years, Occ Business, R/o. H. No,4- 75/A, Katedhan, Shivrampally, R. R. District.

60. (D- 9(i). Janaba Parwarishynnisa. Begum @. Jahandarunnisa Begum, D/o. Wajhuddin Khan, aged about 66 years, Occ Household, R/o. Lord Mansion, Lalapet, Hyderabad.

(Respondents No. 52 to 60 are added as Defendants No. D- 9(a) to (i) inAppl. No. 73/2. 000 In C. S. No. 7/1958 vide order dated 2- 2- 2000, being the legal representatives of deceased Defendant No. 9 Wajihuddin Khan.

61. (D- 10) Bahauddin Khan (Died), Per L. Rs. , Respondents No. 62 to 65.

62. (D- 10(a). Janaba Mahboob Begum, W/o. Late Bahauddin Khan, aged about 94 years Occ Nil, R/o. H. No. 12- 1- 584/8, Asifnagar, Hyderabad.

63. (D- 10(b). Nawab Ruknuddin Khan, S/o. Late Bahaudddin Khan, aged about 66 years, R/o. M. No. 12- 1- 584/8, Asifnagar, Hyderabad.

64. (D- 10(c). Nawab Yousufuddin Khan (Died), S/o. Late Bahauddin Khan.

65. (D- 10(d). Janaba Pawarishunnisa Begum @ Mohammedunnisa Begum, D/o. Late Bahauddin Khan, aged about 64 years, Occ Household, R/o. H. No. 12- 1- 58418, asifnagar, Hyderabad.

(Respondents. No. 62 to 65 are added as Defendants No. D- 10(a) to. (d) in Appl. No. 73/2000 in C. S. No. 7/1958 vide order dated 2- 2- 2000, being the legal representatives of deceased Defendant No. 10 Bahauddin Khan.

66. (D- 11). Badaruddin Khan (Died), Per L. Rs. , Respondents No. 67 to 70.

67. (D- 11(a). Janaba Asmatunnisa Begum (Died), W/o. Late Badaruddin Khan.

68. (D- 11(b). Nawab Naseeruddin Khan, S/o, Late Badaruddin Khan, aged about 58 years, Occ Business, R/o. H. No. 1- 8- 506/55, New Prakashnagar, Begumpet, Hyderabad.

69. (D- 11(c). Janaba Ameerunnisa Bogum, D/o. Late Badaruddir Khan, aged about 60 years, Occ Household, R/o. H. No. 3- 5- 782/52/A/1, King Koti,Hyderabad.

70. (D- 11(d). Janaba Qamarunnisa Begum, D/o. Late Badaruddin Khan, aged about 50 years, Occ Household, R/o. H. No. 1- 8- 506/55, New Prakashnagar, Begumpet, Hyderabad.

(Respondents No. 67 to 70 are added as Defendants No. D- 11(a) to (d) in Appl. No. 73/2000 in C,S. No. 7/1958 vide order dated 2- 2- 2000, being the legal representatives of deceased Defendant. No. 11 Badaruddin Khan.

71. Nawab Md. Jalaluddin Khan D- 12, (Died).

72. (D- 13). Nawab Zainulabeddin Khan (Died), S/o Late Nawab Moinuddowla Bandur, Per L Rs. , Respondents No. 73 to 100.

73. (D- 13(a). Janaba Yousufunnisa Begum (Died), W/o. Nawab Zainulabeddin Khan.

74. (D- 13(b). Tayyaba Begum, W/o. Nawab Zainulabeddin Khan, aged about. 75 years Occ Household, R/o. H. No. 17- 5- 389 Dabilpura, Hyderabad.

75. (D- 13(c). Nawab Mohd, Abdul Barkath Khan, S/o. Zainulabeddin Khan, aged about 65 years, Occ Landlord, R/o. H. No. 12- 1- 513, Lalapet, Sec- bad.

76. (D- 13(d). Nawab Mohd. Fareeduddin Khan, S/o. Zainulabeddin Khan, aged about 63 years, Occ Landlord, R/o. H. No. 20- 3- 1118, Kaman Shamsul. Umra, Shahguni, Hyderabad.

77. (D- 13(e), Janaba Younusunnisa Begum, D/o. Zainulabeddin Khan, aged about 61 years, Occ Household, R/o. H. No. 12- 1- 511/1, Lalapet, Sec- bad.

78. (D- 13(f). Nawab Mohd. Naseeruddin Khan (Died), S/o. Late Zainulabeddin Khan, Per L. Rs ,(D- 13 F(1) to 13 F(11).

79. (D- 13(F- 1). Janaba Mahboobunisa Begum, W/o. Late Nawab Mohd. Naseeruddin Khan, aged about 61 years, Occ Household, R/o. H. No. 12- 1- 512, Mahboob Mansion, Sec- bad.

80. (D- 13(F- 2). Janaba Aliya Begum, W/o. Late Nawab Mohid. Naseeruddin Khan, aged about 51 years, Occ Household, R/o. H. No. 12- 1- 5. 72, Mahboob Mansion, Sec- bad.

81. (D- 13(F- 3). Nawab Mohd. Abul Fateh Khan (Died), Per LRs, Respondents No. 82 to 86.

82. (D- 13(F- 3(a). Azmath Fathima, W/o Nawab Mohd. Abu Fateh Khan, aged Paul 35 years. Occ Household, R/o. H. Mo. 12- 1- 512, Mansoob Mansion. Sec- bad.

83. (D- 13(F- 3(b). Zainabunnisa Begum, D/o. Nawab Mohd. Abul Fateh Khan. aged about 13 years. Occ Student, Minor, Represented by Guardian Azmath Fathima Mother, R/o. H. No. 12- 1- 512, Mahboob Mansion, Sec- bad.

84. (D- 13(F- 3(c). Kashifunnisa Begum, D/o. Nawab Mohd. Abul Fateh Khan. aged about, 11 years. Occ Student, Minor, Represented by Guardian Azman. Fathima Mother R/o. H. No. 12- 1- 512, Mahboob Mansion, Sec- bad.

85. (D- 13(F- 3(d). Khadarunnisa Begum, D/o. Nawab Mohd. Abul Fateh Khan, aged about 9 years, Occ Student, Minor, Represented by Guardian Azmath Fathima Mother, R/o. H. No. 12- 1- 512, Mahboob Mansion, Sec- bad.

86. (D- 13(F- 4). Nawab Mohd. Zainul Mutakheen Khan, S/o. Late Nawab Mohd. Naseruddin Khan, aged about 40 years, Occ Landlord, R/o. H. No. 12- 1- 512. Mahboob Mansion, Sec- bad.

87. (D- 13(F- 5), Nawab Mohd. Ruknuddin Khan, S/o. Late Nawab Mohd. Naseruddin Khan, aged about 27 years, Occ Landlord, R/o. H. No. 12- 1- 512, Mahboob Mansion, Sec- bad.

88. (D- 13(F- 6). Nawab Mohd. Ismalluddin Khan, S/o. Late Nawab Mohd. Naseruddin Khan, aged about. 23 years, Ccc Landlord, R/o. H. No. 12- 1- 512,Mahboob Mansion, Sec- bad.

89. (D- 13(F- 7). Nawab Mohd. Zainulabeddin Khan, S/o. Late Nawab, Mohd. Naseruddin Khan, aged about 20 years, Occ Student, R/o. H. No. 12- 1- 512,Mahboob Mansion, Sec-bad.

90. (D- 13(F- 8). Ameenunnisa Begum, D/o. Late Nawab Mohd. Naseruddin Khan, aged about. 28 years, Occ Student, R/o. H. No. 12- 1- 512, Mahboob Mansion Sec- bad.

91. (D- 13(F- 9) Bllqeesunnisa Begum, D/o. Late. Nawab Mohd. Naseruddin Khan, aged about 26 years, Occ Household, R/o. H. No. 12- 1- 512, Mahboob Mansion, Sec- bad.

92. (D- 13(F- 10). Humeraunnisa Begum, D/o. Late Nawab Mohd. Naseruddin Khan, aged about 24 years, Occ Household, R/o. H. No. 12- 1- 512, Mahboob Mansion, Sec- bad.

93. (D- 13(F- 11). Anees Fatima Begum, D/o. Late Nawab Mohd. Naseruddin Khan, aged about 18 years, Occ Student, R/o, H. No. 12- 1- 512, Mahboob Mansion, Sec- bad.

94. (D- 13(g- 1) Mohd. Basheeruddin Ahmed, H/o. Late Nafeesunnisa Begum, aged about 65 years, Occ Business, H. No. 12- 1- 511/2, Mahboob. Mansion, Sec- bad.

95. (D- 13(g- 2). Nawab Mohd. Daveruddin Khan, S/o. Late Nafeesunnisa Begum, aged about 42 years, Occ Business, H. No. 12- 1- 511/2 Mahboob- Mansion, Sec- bad.

96. (D- 13(g- 3). Mohd. Sirajuddin Ahmed, S/o. Late Nafeesunnisa Begum, aged about 35 years, Occ Business, H. No. 12- 1- 51 1/2, Mahboob Mansion, Sec- bad.

97. (D- 13(g- 4). Janaba Wajahathunnisa Begum, D/o Late Nafeesunnisa Begum, aged about 44 years, Occ Household, H. No. 12 1- 511/2) Mahboob Mansion, Sec- bad.

98. (D- 13(g- 5). Janaba Qadeerunnisa Begum, D/o. Late Nafeesunrisa Begum aged about 38 years, Occ Household, H. No. 12- 1- 51 1/2, Mahboob Mansion, Sec- bad.

99. (D- 13(g- 6). Ayesha Bano Ahmed, D/o. Late Nafeesunnisa Begum, aged about 24 years, Occ Household, H. No. 12- 1- 511/2, Mahboob Mansion Sec- bad.

(Respondents No. 73 to 99 are added as Defendants No. D- 13(a) to (D-13(F- 110 F- 11 and D- 13- 9(1) to (g- 6) being the legal representatives of deceased Defendant No. 13 Zainulabeddin Khan.

100. (D- 14). Ghaziuddin Khan, S/o. Late. Nawab Moinuddowla Baljadur, aged about 76 years, Occ Landlord, R/o. H. No. 8- 2- 686/16/D/2, Road No,14, Banjara Hills, Hyderabad.

101. (D- 15). Warlsuddin Khan, S/o. Late Nawab Moinuddowla Balladur, aged about 74 years, Occ Landlord, R/o. H. No. 8- 2- 686/16/D/2, Road No. 14, Banjara Hill's, Hyderabad.

102. (D- 16) Fareedunnisa Begum (Died), unmarried and Issueless.

103. (D- 17) Layeequnnisa Begum (Died), D/o. Late Molnuddowla Bahaduri

104. (D- 18) Izzathunnisa Begum (Died), D/o. Late Molnuddowla Bandur (Died) Per L. Rs. Respondents No. 105 to 107.

105. (D- 18(a). Janaba Liyaqalhunnisa Begum, D/o. Late Izzathunnisa Begum, aged about 60 years, Occ Household, Rio. Kakallyanagar, Nanalnagar Hyderabad.

106. (D- 18(b). Janaba Zeenathunnisa Begum (Died), D/o. Late Izzathunnisa Begum.

107. (D- 18(c), Janaba Tahnlyathunnisa Begum, D/o. Late izzathunnisa Begum,aged about 58 years, Occ Household, . RJo. H. No. 10- 2- 310, Bazarguard, Mallepally, Hyderabad. (Respondents No. 105 to 107 are added as Defendants No. D- 18(a). to (c) In Appl. No. 73/2000 In C. S. No. 7/1958 vide order dated 2- 2- 2000, being the legal. representatives of deceased Defendant No. 18 Izzathunnisa Begum.

108. (D- 19). Iftekharunnisa Begum (Died), D/o. Late Moinuddowla Bahadur.

109. (D- 20). Malika Jahan Begum, D/o. Late Nawab Moinuddowla Bahadur, aged about 78 years, Occ Household, R/o. H. No. 23- 1- 213, Andherigall Alijahkotla, Charminar, Hyderabad.

110. (D. 21). Akhthar Jahan Begum, D/o, Lato Nawab Moinuddowla Bahadur, aged about 76 years, Occ Household, R/o. H. No. 22- 5- 484) Panjeshan, Charminar, Hyderabad.

111. (D- 22). Dawoodunnisa Begum, D/o. Late Nawab Moinuddowla Bahadur. aged about 72 years, - Occ Household, R/o. SRT 198, Chandulal Baradari, Hyderabad.

112. (D- 23) Mahboobunnisa Begum

113. (D- 24). Raheemunnisa Begum

114. (D. 25). Ladli Begum (deceased) Per L. RS

115. (D- 25(a). Kulsum Begum

116. (D- 25(b). Mirza Baqar Ali.

117. (D- 25(c). Mirza Likat Ali Baig,

118. (D- 25(d). Moinuddin Khan,

119. (D- 25(e), Sultanuddin Khan,

120. (D- 26). Liaqat Begum,

121. (D- 27). Fareed Jahan Begum,

122. (D- 28), Sultana Begum, (D- 28),

123. (D- 29). Gulam Mohammed, (D- 29).

124. (D- 30). Mansab Jung, (D- 30).

125. (D- 31). Shalk Mohluddin, (D- 31).

126. (D- 32). Willam Ceaser, (D- 32).

127. (D- 33) Mahboob Khan, (D- 33)

128. (D- 34). Shamsuddin Khan.

129. (D- 35) Govind Rao

130. (D- 36). Sridhara Rao

131. (D 37), Jayarao Sambrahani

132. (D. 38). N. K. Guruswamy

133. (D- 39). Dr. E. N. Das.

134. (D40). Sahebzada Dildar Ali Khan

135. (D41). Syed Waliullah Hussaini

136. (D- 42). Ameenuddin Hussaini

137. (D- 43). Hyderabad Development Cooperative, Society

138. (D- 44). Colonel All Raza

139. (D- 45). Syed All Abbas

140. (D-46) C.S. Venkat Rao

141. (D- 47). Jagir Administrator, Government of Andhra Pradesh.

142. (D- 48). Secretary Finance Department, Government of Andhra Pradesh

143. (D- 49). Hari Prasad. .. Respondents/Respondents/Defendants

144. Nawab Sabir Lutfiuddin Khan, S/o. Late Nawab Sirajuddin Khan, Aged about 32 years, Occ Private Service, R/o. H. No. 6- 3- 1102, Hidden Treasure Apartments, Somajiguda, Hyderabad.

145. Janaba Fatima Khan, D/o. Late Nawab Sirajuddin Khan, aged about 36 years, Occ Household, R/o. H. No. 6- 3- 1102, Hidden Treasure Apartments, Somajiguda, Hyderabad

(Respondents No. 144 and 145 are L. Rs. , of Late Nawab Sirajuddin Khan and also the LRs. , of Late Nawab Mohd. Shahabuddin Khan sons of Late. Nawab Basheer Jung D- 3 and proposed Defendants No. 3 (g) and 3 (h)

146. Nawab Abdul Rahman Khan, S/o. Late Nawab Shahlduddin- Khan, aged about 42 years, Occ Business, R/o. Aziz Bagh Colony, Tollchowki, Hyderabad.

147. Nawab Hasan Nooruddin Khan, S/o. Late Nawab Shahiduddin Khan, aged about 39 years, Occ Business, R/o. Aziz Bagh Colony, Tollchowki, Hyderabad.

(Respondents No. 146 and 147 are L. Rs, of Late Nawab Shahlduddin Khan, and. also the L. Rs. , of Nawab Mohd. Shahabuddlh Khan sons of Late. Nawab Basheer Jung D- 3) and proposed Defendants No. 3 (i) and 3(j)).

148. Janaba Sumera Imran, D/o. Late Janaba Inteqabunnisa Begum, aged about 28 years Occ Household, R/o. Mudfort, Sec- bad.

149. Janaba Saba Nasir, D/o. Late Janaba Integabunnisa Begum, aged about 26 years Occ Horsehold, R/o. Mudfort, Sec- bad.

150. Janaba Sara Naseer, D/o. Late Janaba Inteqabunnisa Begum, aged about 24 years, Occ Household, R/o. Mudfort, Sec- bad.

(Respondents No. 148 to 150 are L. Rs. , of Late Janaba Integabunnisa. Begum (D- 3 (h), and proposed Defendants No. 3(k), 3(1) and 3(m)

151. Nawab Mohd. Fareeduddin Khan, S/o. Late Nawab Igbaltiedn Khan, aged about 64 years, Occ landlord, R/o. H. No. 16- 2- 705/A/B. Akbar Bagh, Malakpet.

152. Janaba Moinunnissa Begum, D/o D/o Late Nawab Igbaluddin Khan, being the legal heir and representative of Nawab Iqbaluddin Khan, S/o Late Moin- ud- Dowla, aged 61 years, Occ Landlord, R/o 3. 5- 782/10/6, Gaf- burgalow, King Kothi, Hyderabad. R/o 7A Bank Building, Mitcham Lane, London Sw166NG,England, U. K.

153. Janaba Iqbalunnisa Begum, D/o Late Nawab Iqbaluddin Khan, being the legal heir and representative of Nawab Iqbaluddin Khan, S/o Late Moin- Ud- Dowla, aged 56 years, Occ Landlord, R/o. 3. 5. 782/10/6, Gaf- bungalow, King Kothi, Hyderabad.

154. Nawab Majeeduddin Khan, S/o Late Nawab Iqbaluddin Khan, being the legal heir and representative of Nawab Iqbaluddin Khan, s/o Late Moin- ud- Dowla, aged 43 years, Occ Landlord, R/o 16- 2- 705/8/B, Akbar bagh, Malakpet. Hyderabad.

(Respondents No. 151 to 154 are L. Rs. , of Late Nawab Iqbaluddin Khan D- 3 and proposed Defendants No. D- 8(a) to D- 8(d)).

155. Nawab Mohd. Rishaduddin Khan, S/o Late Nawab Yousufuddin Khan aged about, 30years, Occ Accountant, presently R/o P. O. Box 3410, Dubai U. A. E. represented by. GPA Holder Nawab Mohd Khaleemuddin Khan vide No.

156. Nawab Mohd Khaleemuddin Khan, S/o Late Nawab Mohd. Yousufuddin Khan, aged. about 27 years, Occ Student, R/o. 12- 2- 24/1, Syedaliguda, Asil Nagar, Hyderabad.

157. Janaba Sameera Begum, D/o Late Nawab Mohd, Yousufuddin Khan, aged about 32 years, Occ Housewife, R/o 12- 2- 24/1, Syedaliguda, Aslf Nagar, Hyderabad

158. Janaba Sara Begum, D/o Late Nawab Mohd Yousufuddin Khan, aged about 23 years. Occ Student, R/o 12- 2- 24/1, Syedaliguda, Asif Nagar, Hyderabad.

(Respondents No. 156 to 159 are L. Rs. , of Late Nawab Yousufuddin Khan, D. 10(c). and proposed Defendants No. D- 10(e) to D- 10(h))

159. Nawab Mohd. Sikendaruddin Khan, S/o Late Nawab Mohd. Jalaluddin Khan, aged, 54years, Occ Landlord, R/o. Hussaini Heights, Flat No. 202, Humayun Nagar, Hyderabad

(Respondent No. 160 is L. R. of Late Nawab Jalaluddin Khan D- 12 and proposed Defondant No. 12(a)

160. Nawab Khusro Kamal Pasha, S/o Late Janaba Layeequnnisa Begum, aged 68. years, Occ Landlord, permanent resident of R/o 5- 9- 248/1, Chirag Ali Lane, Abids, Hyderabad.

(Respondent No. 160 is L. R. , of Late Janaba Layeequnnisa Begum D- 17 and proposed. Defendant No D- 17 (a)).

161. Nawab Ali Bin Hamid, S/o Late Zeenatunnisa Begum, Aged 32years Occ Landlord, R/o H No 11- 2- 585, Habeeb Nagar, Nampally, Hyderabad.

162. Nawab Jaffar Bin Hamid, S/o Late Zeenatunnisa Begum Aged 30years, Occ Landlord, R/o H. No 11- 2- 585, Habeeb Nagar, Nampally, Hyderabad

163. Janaba Sumihaunnissa Hamid, D/o Late Zeenatunnisa Begum, aged 37 years, Occ Landlady, R/o H. No 11- 2- 585, Habeeb Nagar, Nampally, Hyderabad.

164. Janaba Hassa Hamid, D/o Late Zeenatunnisa Begum, Aged 34yoars, Occ Landlady, R/o H. No 11- 2- 585, Habeeb Nagar, Nampally, Hyderabad (Respondents No. 161 to 164 are L. Rs. , of Late Zeenatunnissa Begum D18(b) and proposed Defendants No. D- 18(d) to D- 18(g)).

165. Nawab All Bin Saleh, H/o. Late Janaba Iftekhanmissa Begum, aged 70years, Occ Landlady, R/o 9. 4- 84/99, Plot No. 99 Kakatiya Nagar, Tolichowki Hyderabad.

(Respondent No. 165 is L. R, of Late Janaba iftekharunnisa Begum D- 19. And proposed Defendant No. D- 19(a)).

166. Nawab Mohd. Ghaziuddin Khan, (D 14. in C. S. 7/58) S/o Late Nawab Moinud- Dowla, aged 75years, Occ Landlord, R/o 8- 2- 686/16/D/2, Banjara Hills Hyderabad.

167. Nawab Mohd. Warisuddin Khan, (D15 In C. S, No, 7/58) S/o Late- Nawab Moin- Ud- Dowla, Aged 74 years, Occ Landlord, R/o. 8- 2- 686/16/D/2, Banjara Hills Hyderabad.

(Respondents No. 166 and 167 are original Defendants No. 14 and 15 and also L. Rs. , of Defendant No. 19 being her brothers).

168. Mr. Mohd. Abdul Hussain, S/o. Late Mohammed Abdul Waheed, aged about 32 years, Occ Business, R/o. 4- 114, Errakunta, Kothapet VIllage, R. R. District - 5.

169. Syed Rafath Sayeed, S/o. Syed Gulam Rasool, aged about 42 years, Occ Business, R/o. H. No. 2- 3- 508, Abhay Plaza, Flat No, 305, Amberpet, Hyderabad- 13.

(Respondents No. 168 and 169 are third parties. and proposed Defendants No. 149. and 150).

170. Abdul Samad Khan, S/o. Late Hakeem Mohd Abdullah Khan, aged 57 years, Occ Business, R/o. H. No. 20- 3- 412/1, Moosa Bowli, Hyderabad.

171. Mohd. Faizullah Shareef, S/o. Late Mohd. Manzoor Shareef, aged about 37 years, Occ Business, R/o. H. No. 20- 3- 393, Moosa Bowli, Hussaini Alam, Hyderabad.

172. Ahmed Akramullah Shareef, S/o. Late Mohd. Manzoor Shareef, aged about 42 years, Occ Advocate, R/o. H. No. 20- 3- 396, Moosa Bowli, Hyderabad.

173. Syed. Azhar, S/o. Syed Hyder, aged about 50 years, Occ Business, R/o. H. No. 20- 3- 412/1, Moosa Bowli, Hyderabad. (Respondents No. 168 to 171 are third parties and proposed Defendants No. 148 and 151)

174. M/s. M. A. Bari Advocate, Receiver- cum- Commissioner In C. S. No. 7/1958 Having the office at H. No. 11- 3- 627, Mosque Road, New Mallepally, Hyderabad. 4. 179).

175. M/s. B. Shyamsunder Rao, Advocate, Receiver- cum- Commissioner In C. S. No. 7/1958 Having the, office at H. No. 11- 3- 627, Mosque Road, New Mallepally, Hyderabad. .. Respondents / Receiver cum Commissioner

176. The Government of Andhra Pradesh, Represented by the Principal Secretary, Revenue Department, Secretariat, Hyderabad.

177. The District Collector, Ranga Reddy. District, Having the office at Lakdikapul, Hyderabad.

178. The Tahslidar, Balanagar Mandal, Balangar, R. R. District.

179. The District Collector, Medchal Malkajgiri District.

180. The Tahsildar, Kukatpally Mandal, Medchal Malkajgiri District.

181. The District Registrar, Medchal Malkajgiri District.

182. The Sub- Registrar, Kukatpally, Medchal Malkajgiri District.

183. The Commissioner, Greater Hyderabad Municipal Corporation, Circle No. 24, Kukatpally, Medchal Malkajgiri District.

184. EXELLA Properties, Represented by its Managing Partner, Madhu Babu Kandimalla, with Office at Flat No. 206, Soucha Marvel, Opp. Oakridge International School, Khajaguda, Hyderabad - 500014, Telangana

... Proposed Respondents 179 -184

(Respondents 1, 2, 179 to 184 are necessary parties to the present Appeal Respondents 3 to 178 are not necessary parties)

IA NO: 3 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings arising out of Final Decree passed in Application No. 837/2013 in C. S. No. 7 of 1958, dated 19/09/2013, pending disposal of the above Appeal.

IA NO: 4 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 180 and 181 not to entertain any documents for registration in respect of Sy. No. 57, Shamshiguda Village, Kukatpally Mandal, Medchal Malkajgiri District, pending disposal of the above Appeal.

IA NO: 5 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No. 182 not to grant any permissions for any layouts or constructions on any applications that may be presented by the respondents 1, 2 and 183 in respect of the land in Sy. No. 57, Shamshiguda Village, Kukatpally Mandal, Medchal Malkajgiri District, pending disposal of the above Appeal.

IA NO: 6 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No. 1, 2 and 184 not to create and third party interest and not to change the nature and status of the land in Sy. No. 57, Shamshiguda Village, Kukatpally Mandal, Medchal Malkajgiri District, pending disposal of the above Appeal

Counsel for the Appellants: SRI. T. K. SRIDHAR

Counsel for the Respondent Nos. 1 & 2: Ms. MANJARI S GANU

Counsel for the Respondent Nos. 179 to 184 : THE ADDITIONAL ADVOCATE GENERAL

The Court delivered the following Judgment :

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR

O.S.A. No.1 of 2024 in Application No.837 of 2013 in C.S. No.7 of 1958

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

Mr. T.K. Sreedhar for the appellants.

Manjari S Ganu and the learned Additional Advocate General for the respondents.

This Original Side Appeal has been filed under Clause 15 of Letters Patent aggrieved by the final decree order dated 19.09.2013 passed in Application No.837 of 2013 in C.S. No.7 of 1958 by the learned Single Judge in favour of the respondents/petitioners pertaining to Item No.252 Schedule 'A' property admeasuring Acs.65-56 cents and Schedule 'B' property to the extent of Acs.11-43 cents and Schedule 'B1' to the extent of Acs.15-57 cents and Schedule 'A1' to the extent of Acs.7-44 cents totalling Acs.100-00 cents on the ground that the said final decree has been obtained by playing fraud on the statute and this Court by making gross misrepresentation of facts and law and the same is to be set aside.

2. The appellants herein submits that they are the Defendants No.4(B)(C)(E)(F)(G) & (H) in C.S. No.7 of 1958 and they are represented by their GPA holder Appellant No.4 vide notarised GPA.

3. For the sake of convenience, the parties hereinafter will be referred to as they are arrayed in the present appeal i.e. Appellants/ Respondents and respondents/petitioners.

4. The Respondents/Petitioners No.1 and 2 have filed Application No.837 of 2013 in C.S. No.7 of 1958 with the following prayer:

> "Application under Order 20 Rule 18 R/w Section 146 & 151 of CPC praying that in the circumstances stated in the affidavit filed herewith the High Court will be pleased to pass a final decree in favour of the petitioners Nof.1 & 2 in respect of the property measuring Ac.92-56 Cents., (Ac.65-56 Cents vacant land as shown in schedule "A" and the plan annexed hereto in blue color) & (Ac.27-00 Gts., land in two bits measuring Ac.11-43 cents & Ac.15-57 Cents as shown in Scheudle B & B-1 and the plan annexed hereto in pink color) in Sy.No.57 of Shamsiguda Village, Balanagar Mandal, R.R. District and A final decree may be passed in favour of the Respondents No.172 & 173 herein to an extent of Ac.7-44 cents, as shown in schedule "A-1" and the plan annexed herewith in yellow color, out of Sy.No.57 of Shamsiguda village, Balangar Mandal, R.R. District, on payment of requisite stamp duty, and may be pleased to direct the Respondents No.178 & 179/Receiver-cum-Commissioners to deliver the physical possession of the properties (Ac.65-56 Cents vacant land as shown in schedule "A" and the plan annexed hereto in blue color) and to an extent of Ac.27-00 Cents, land in two bits measuring Ac.11-43 cents & Ac.15-57 cents as shown in schedule B & B-1 and the plan annexed

hereto in pink color) in Sy.No.57 of Shamsiguda Village, Balanagar Mandal, R.R. district, in favour of the petitioners No.1 & 2 and to deliver the physical possession of the land to an extent of Ac.7-44 cents, as shown in schedule "A-1" and the plan annexed herewith in yellow color, out of Sy.No.57 of Shamsiguda village, Balangar Mandal, R.R. District, to the respondents No.172 & 173 herein."

5. The learned Single Judge vide order dated 19.09.2013 allowed the application to the extent of passing final decree only. Assailing the same, the appellants/respondents filed the present appeal mainly on the ground that the said final decree has been obtained by playing fraud on the statute and this Court by making gross misrepresentation of facts and law and the same is to be set aside, among other following grounds.

"1. The appellants submits that they are the Defendant No.4 (b) (c) (f) g) & (h) against the final decree order passed in Application No.837/2013 in C.S.No 7 of 1958 in the Hon'ble High Court of Telangana and Legal Heir of Defendant No.4 by name Late. Nawab Mohammed Lateefuddin Khan in respect of Matruka properties of Asman Jahi Paigah Estate. And as per the Preliminary Decree in C.S.No.7 of 1958 in the Hon'ble High Court of Telangana the Legal heirs of Nawab Moin-ud-Dowla Bahadur of Asman Jahi Paigah who are defendants 2 to 22 in C.S.No. 7 of 1958 are entitled to shares in Item Nos.230 to 254 in Schedule 'A' Annexed to preliminary decree, each male member getting 2/35 share and each female member getting 1/35 share in the properties. The preliminary decree dated 06.04.1959 is filed herewith in

which Shamshiguda is Item No.252 of Schedule 'A' annexed to preliminary decree.

2. Appellants submits that Survey No.57 of Shamshiguda village, is item No: 252, Schedule 'A' annexed to preliminary decree in C.S.No.7 of 1958, dated 06/04/1959, belongs to Asman Jahi Paigah Estate. Whereas, the scheme of partition for Maqta Shamshiguda was submitted by Mr. M. A. Bari & Mr. Shyamsunder, Advocates, Receiver-cum-Commissioners in respect of item No: 252 Shamshiguda, of schedule 'A' Annexed to the preliminary decree in C.S.No.7 of 1958 as directed by the Hon'ble Court of Andhra Pradesh by order dated 15/10/2008 in Application S.R.No: 3679 & 5917 of 2007. And the scheme of partition was presented to the Hon'ble High Court in favour of Defendents No's.2 to 22 i.e., Son's and Daughters of Nawab Moin-ud-Daula Bahadur. The total extent of land in Survey No.57, Shamshiguda village, as per the scheme of Partition submitted and allotted to Defendant No's.2 to 22 is AC.303-91 gts. And the Scheme of Partition was approved by the Hon'ble High Court on 17.07.2009 in Application No.495 in C.S.No. 7 of 1958. As per the Scheme of Partition, approved by the Hon'bel High Court and the Survey Map showing the scheme of partition, defendant No.4 was allotted shares as separate bits and marked in the map as follows :

1. 914-647 cents (9.146 Acres)

2. 668-16 cents (6.681 Acres)

3. 107-14 cents (1071 Acres)

4. 24-110 cents (0.241 Acres)

5. 14-290 cents (0.142 Acres)

6. 8-389 cents (0.083 Acres)

3. The final decree in Application No.837 of 2013, dated 19.09.2013 in C.S.No.07/1958 passed in favour of Respondents No's.1 & 2 is illegal fraudulent and by gross misrepresentation on the Court and Statutes and by practising fraud.

4. That the final decree dated 19.09.2023 in application No.837 of 2013 is without any notice to the affected party as per the content in the Application showing that Respondents No.15 to 35 and others are not necessary parties as such no notice was served to the appellant in order to put forth his objections to the final decree. As such the decree is illegal void Ab initio and contrary to the principles of established procedure and also against the procedural law.

5. The final decree dated 19-09-2013 is Ex facie illegal and in the process, Hon'ble Court has granted relief to the fraudulent persons affecting valuable legal rights of the appellant and thus it is against the legal principle. That the appellant submits that the final decree in first place cannot be passed on the basis of unregistered Assignment Deed dated 16/09/2000 and the unregistered Conveyance Deed dated 03.08.2003 and the Deed of Declaration/Confirmation dated 12.08.2011 are running contrary to the Assignment Deed dated 16.09.2000 with regard to the parties, extent and schedules.

6. That the Unregistered Assignment Deed dated 16.09.2000 which formed the basis for the final decree in the first place did not show any consideration being paid to the so-called assignors who were 20 in number along with their legal heirs. The fraudulent aspects were raised by some of the affected parties that the same was obtained by fraud was discussed in the judgement

rendered by Justice Sudarshan Reddy and Justice C.V. Ramulu in O.S.A. No.58 to 66, 68 to 72 of 2002 and 19 to 31 of 2003, dated 10th day of June, 2003.

7. The Final decree was speaking about EP/38/2002 that the Respondent No's 1 & 2 have acquired the property in Sy.No.57 of Shamshiguda Village, Balanagar Mandal Ranga Reddy district being part of item No.252 of Schedule 'A' appended to the preliminary decree to the extent of AC.100-00 under Unregistered Assignment Deed, dated 16.09.2000 executed by shareholders and Defendants in C.S.No.7 of 1958 and it is also mentioning that the Respondents have been delivered the possession of the property by virtue of Execution proceedings in EP/38/2002 on the file of Principal District Judge Ranga Reddy district having thus delivered possession to the petitioners and have fenced the lands by putting barricades over the property. The said observation of the court is illegal and contrary to Law as the very EP No.38/2002 based on I.A.No.1460/2000 is itself a blatant fraud and set aside by the Division Bench.

8. The appellants submits that the I.A.No.1460 of 2002 in C.S.No.7/1958 on the file of the Hon'ble High Court is only speaking about recognising Assignment Deed dated 16/09/2000 though the said Assignment Deed was unregistered the Hon'ble Court cannot pass such an order. As per the order dated 10/10/2002 in Application No.1460 of 2002 the order speaks that only Respondents No.l was present and expressed no objection, hence applications are allowed. The order dated 10/10/2002 neither speaks about the final decree being passed by the Hon'ble High Court for applying for Execution of the Decree before the Principal District Judge, Ranga Reddy District. The Appellants submits that the Application No.1461 does not speak about any

order being passed by the Hon'ble Court for directing the District Judge Ranga Reddy district to entertain the Execution Petition No. 38/2002 to deliver possession, that too when the Original Assignee were not in possession of the property in the mentioned schedule.

9. The Appellant submits that there was no Final decree in favour of the Respondents for transferring the same to the Principal District Judge, Ranga Reddy district unless there is a Executable decree only that can be executed by the Subordinate Court of Competent Jurisdiction as per section 39 clause (2) and any certification of Court Subordinate is based only on the decree sent for execution as per section 41 of Civil Procedure Code, 1908. As such the entire exercise and the E.P.No.38/2002 and consequential reliefs of putting the Respondents in physical possession of AC.100-00 is nothing but fraud on the Court and the authorities and it is not at all binding on the Appellant.

10. The Appellants submits that the E.P. No.38/2002 is mentioning about property being obtained by the Respondents by virtue of order passed in Application No.1460 of 2000 in C.S.No.7 of 1958 dated 10/10/2000 while bare reading of the Application shows that it is for recognising the Assignment Deed and not for transferring to the Subordinate Court i.e. Ranga Reddy Court for execution. As seen from record E.P. No.38/2002 is not accompanied by any Executable Decree with specific schedules which is not traceable to the order either in application Nos.1460 or in 1461 or from Assignment Deed dated 16/09/2000. As such the entire claim is vague misleading and misrepresenting the facts before the Court and no order can be passed in favour of fraudster.

11. The Appellants submits that the claim of the Respondents as per the Report of the Surveyor only AC.73-00 are available vacant and 27 Acres of

built up area with the weaker sections residing, allotted by Government out of which AC.50-00 (item No.1) falling on the northern side, AC.8-00 falling to the eastern side (item No.3) and item No.5, Extent of AC.6-00 falling to the southern side and item No.6 to the extent of AC.1-00 and item No.4 to the extent of AC.8-00 on the south west side but AC.100-00 at one stretch on the northern side which includes even allotted properly belonging to appellant which was allotted by the Receiver Commissioner and Lands allotted to other shareholders is taken into custody and possession said to have been given by the Mandal Revenue Officer as per the Blue Sheet plan. The Hon'ble High Court of Andhra Pradesh as it was then was in O.S.A. No. 58 to 66, 68 to 72 of 2002 and 19 to 31 dated 10.06.2003 have set aside the proceedings taken by way of execution Proceedings under E.P.38/2002 and all the consequential reliefs including proceeding before the Revenue Authorities directed applicants to the said matter to approach the learned single Judge for adjudicating the claims on similar lines. The appellant was also not served with any notice and such final decree is bad in Law as it is affecting Appellant's interest. At the time of passing the Final decree, already the shares of different Defendants were demarcated and approved by the Hon'ble High Court by way of Scheme of Partition and as such even otherwise the Respondents claims shall be confined only to the shares allotted to the so called Executants of the Deed of Declaration/Confirmation Deed, dt. 12.08.2011 i.e., Respondents No's. 11, 12 to 14, 36 to 38, 41 to 47, 49, 51 to 53, 57 to 59, 60 to 64, 66 to 69, 72 to 74, 104, 105, 109, 113 to 115, 148, 149, 155 to 159 and 160 to 169, which are not at all in conformity with the earlier conveyance deed of so called Respondents 4, 5 to 14, 18, 20, 21, 34 to 38, 40 to 47, 49, 51 to 53, 54, 58 to 63, 66 to 68, 71 to 75, 104, 105, 109 to 115, 148 & 149. Even otherwise the vendors were allotted shares at different places by the approved scheme of

partition, which is not tallying with any of the documents i.e. Unregistered Assignment Deed, Unregistered Conveyance Deed and Registered Deed of Declaration/ Confirmation and also the E.P. No.38/2002, which was already set aside by the Division Bench of this Hon'ble Court. As such the final decree ex-facie and prima facie fraudulent and obtained by gross and deliberate misrepresentation of facts and law.

12. The Appellants submits that the Final Decree is making a mention about the assignment deed dated 16/09/2002 as well as conveyance deed dated 03/08/2003 are unregistered documents. As such the court ought to have dismissed the application for final decree vide Application No.873/2013 under Order 20 Rule 18 and the same are hit by Section 17 and Section 32A of the Registration Act, 1908 which was inserted by Act 41 of 2001 with effect from 21/09/2001. As such the conveyance deed dated 03/08/2003 did not contain the photographs and thumb impression of both buyers and sellers. As per section 32A only appending forms were filled up without the actual signatures of both buyers and sellers before the registration authority and the said document is prima facie fraudulent and illegal.

13. The Appellant begs to submit that the unregistered Conveyance Deed is mentioning that it is sale deed thus it cannot be treated as mere Conveyance Deed, just because titled so. The document has to be read as only as an unregistered sale deed but not conveyance deed. Such observation is contrary to the document itself and further the division bench on 10/06/2003 has set aside the E.P. of 38/2002 passed by the Principal District Judge, Ranga Reddy district and all the Survey and Revenue Records arising out of the said E.P.38/2002. But the so-called conveyance deed dated 03/08/2003 there is a suppression of setting aside of the EP and still there is mention of

E.P.38/2002 and reliefs granted, which is nothing but fraud on the court. And that too original documents are unregistered the Assignment Deed and Conveyance Deed are unregistered, the Registered Deed of Declaration / Confirmation confirming Conveyance Deed is prima facie fraudulent as it is mentioning about E.P.No.38/2002 and the respondents being put in Possession by way of E.P. No.38/2002 which was already set aside by the Division Bench of Justice Sudarshan Reddy and Justice C.V.Ramulu. Non mentioning of OSAs in the Deed of Declaration / Confirmation amounts to suppression of material facts and fraud on the Court. In fact there was no Conveyance Deed at all, but it was unregistered Sale Deed which was only validated and no registration can be looked into as if the vendors in actual possession of property. Even otherwise the vendors were allotted shares at different places by the approved Scheme of Partition which is not tallying with any of the documents i.e. Unregistered Assignment Deed, Unregistered conveyance Deed and Registered Deed of Declaration Confirmation and also the E.P.No.38/2002, which was already set aside by the Division Bench of the Hon'ble Court. As such the Final Decree Ex-facie and prima facie fraudulent and obtained by gross and deliberate misrepresentation of facts and laws.

14. The Appellant submits that despite setting aside E.P.38/2002 of the Principal District Judge, Ranga Reddy district and consequent reliefs there of the Schedule of Property is showing A.C.73-00 of vacant land and AC.27-00 encroached in Sy.No.57 Shamshiguda Village. As such the schedule of the property as shown in the so-called unregistered conveyance deed dated 03/08/2003 is going against the present possession alleged by the Respondents which is exclusively shown inside Blue Sheets where as the schedules shown as per the Execution Proceedings E.P.38/2002 are scattered

as different places and not at one specific place now as being claimed by the Respondents.

15. The Appellant submits that the deed of declaration/confirmation is only confirming the unregistered assignment deed dated 16/09/2000 and unregistered conveyance deed dated 03/08/2003 after a period of 12 years which itself is illegal as the Registration Act clearly bars any document presented after four months from the date of execution of unregistered document and maximum time cannot go beyond 8 months as per decision rendered by Hon'ble Supreme Court Unitech Ltd vs Telangana State Industrial Infrastructure Corporative Ltd 2021 SCC online SC 99. Even otherwise the deed of Declaration/Confirmation is a fraudulent one as it is not mentioning about the setting aside of EP.38/2002 and consequential possession which was at different places and the said Deed of Declaration/Confirmation is a suppression of facts before the Division Bench and the order passed in OSA No.58 to 66, 68 to 72 of 2002 and the said deed of Declaration/Confirmation is void Ab initio by virtue of the final decree in application no:837/2013. The Respondents 1 and 2 have obtained mutation in Revenue Records and entered into Dharani Portal by suppression of material facts and by misrepresentation and any reliance on non-reportable judgement rendered by the Hon'ble Supreme Court in My Palace Mutually Aided Cooperative Society Vs B. Mahesh and others cannot be considered as it is based on an application filed by a third party to the decree until the present appellant whose interests are being affected by the fraudulent Acts of Respondents 1 & 2 that any properties sold on such fraudulent decrees and any development agreements and entered into with Third Parties is treated as nullity void contracts and to be seen as furtherance of fraud on the court, statute and parties.

16. It is submitted that the Hon'ble High Court had passed many final decrees in favour assignees of Defendants including M/S Anish Construction Co and My Palace Mutually Aided Cooperative Society. The final decree Application of the present Petitioner Nawab Mohammed Fakruddin Khan, APPL.892/2013 dated 20/03/2013 is pending in the Hon'ble High Court of Telangana. It is submitted that based on the Application of M/S Anish Constriction Co and My Palace Mutually Aided Cooperative Society, in Application No: 837 of 2013 in C.S.No:7 of 1958 the Hon'ble High Court ordered and passed final decree on 19/09/2013 in favour of M/S Anish Construction Co and My Palace Mutually Aided Cooperative Society for an extent of AC.65-56 cents, as shown in schedule 'A' and the plan marked in Blue colour and an extent of AC.27-00 cents and shown in two bits measuring AC.11-43 cents and AC.15-57 cents as shown in schedule 'B' and "B1', and plan annexed to final decree in Pink colour.

17. The final decree is based on a registered "Deed of Declaration/ Confirmation" dated on 12/08/2011, registered as Document No: 293/1V/2011 by the District Registrar, Ranga Reddy district, Hyderabad. Whereas it is submitted that the Deed of Declaration/Confirmation" was executed only by certain Defendants. The Deed of Declaration/Confirmation was for AC.92-56 cents only out of total extent in Sy.No:57 of Shamshiguda village (as per the scheme of Partition of Receiver cum commissioners) of Ac. 303-91 gts.

18. The appellants humbly submits that, as per the scheme of Partition submitted by Receiver-cum-Commissioners to the Hon'ble High Court, the Defendant No's.2 to 22 were allotted areas not as a single unit for each

Defendant but scattered into 5 to 6 bits for each Defendant at different places in total extent of AC 303-91. Thus, no defendant can claim his share as allotment.

19. Whereas it is submitted that based on an Application No:5 of 2020 in Application No: 837 of 2013 in C.S.No: 7 of 1958, filed by Sri. B. Mahesh and others in Hon'ble High Court for cancellation of Final Decree issued in Application No: 837 of 2013 in favour of M/S Anish Construction Co and My Palace Mutually Aided Cooperative society, the Hon'ble High Court of Telangana vide its order dated 21/09/2021 ordered for Recall of Final decree dated 19/09/2013 in Application No: 837 of 2013 in C.S.No.7 of 1958 and held that the final Decree was obtained by playing Fraud upon the Court.

20. The Hon'ble High Court again made it clear that the Court have not held that the Applicants Sri. B. Mahesh and others in Application No.5 of 2020 have established their rights, title and interest in the land in Sy.No.57 of Shamshiguda village, and whatever observations and findings are given in this order as regards them are only to determine their locus stand to file this Application and not for any other purpose.

21. Whereas it is submitted that, aggrieved by the orders for Recall of Final decree in Application No:837 of 2013 My Palace Mutually Aided Cooperative Society, filed Civil Appeal No.5784 of2022 @ S.LP(Civil) No.7015 of 2022 in the Hon'ble Supreme Court of India. The Hon'ble Supreme Court vide its orders dated August 23rd 2022, the Appeal was allowed by setting aside the order dated 21/09/2021 passed in IA No 5/2020 in Application No: 837 of 2013 in C.S.No 7 of 1958.

22. Whereas it is submitted, based on Applications by M/S Anish Construction Co and My Palace Mutually Aided Cooperative Society before the Revenue Authorities i.e., Tahsildar Kukatpally Mandal, Medchal-Malkajgiri District, Hyderabad, The Tahsildar Kukatpally Mandal Mutated the Lands in Revenue Records in favour of M/S Anish Construction Co and My Palace Mutually Aided Cooperative Society for an extent of 92-56 Acres in Sy.No.57 of Shamshiguda village, Kukatpally Mandal, Medchal-Malkajgiri District, Hyderabad, as per plan marked as A+B+B1. An extent of Ac 24-03 gts is mutated in the name of My Palace Mutually Aided Cooperative Society under Sy.No's.57/1/2, Shamshiguda village and an extent of AC.68-19 gts in Sy.No's.57/3, situated at Shamshiguda village in favour of Anish Construction Co totalling an extent of Ac.92-22 guntas (AC.92-56 gts).

23. Whereas it is submitted that even though various Defendants were allotted at different places in 5 to 6 bits, the above mutation in Revenue records was done almost as a single unit at one place which is against the scheme of partition submitted by the Receivers-cum-Commissioners. This Mutation was done absolutely against the scheme of Partition and the District Collector, Medchal-Malkajgiri District and the Tahsildar, Kukatpally Mandal, Medchal-Malkajgiri District played fraud on the Petitioner, Fraud on the statute and Fraud on the Courts to benefit the Respondents M/S Anish Construction Co and My Palace Mutually Aided Cooperative Society. Illegal gains and benefits are clearly evident from the illegal Act of The District Collector and Tahsildar. Especially the new Receiver Commissioner has been appointed and the objections for the report are pending to be filed before the Hon'ble Court.

24. Whereas it is submitted that immediately after mutation in Revenue Records, Respondents No's.1 and 2 i.e., My Palace Mutually Aided Cooperative

Society and M/S Anish Construction CO created Third Party interest in favour of Respondent No.183, M/s EXELLA Properties by entering into Registered Development Agreement cum General Power of Attorney dated on 18th May 2023, as follows:

1. MY PALACE MUTUALLY AIDED COOPERATIVE SOCIETY AND EXELLA PROPERTIES Registered as Document No: 2/2023 dated 18/05/2023 At the office of the Tahsildar and Joint Sub Register Kukatpally.

2. ANISH CONSTRUCTION CO AND EXELLA PROPERTIES Registered as Document No: 1/2023 dated 18/05/2023 At the office of the Tahsildar and Joint Sub Register Kukatpally.

This clearly shows the mala fide and fraudulent intentions of Respondent No.1 and 2 i.e., My Palace Mutually Aided Cooperative Society and M/S Anish Construction Co.

25. Whereas the LRs of Defendant No.4 i.e., D4 including the petitioner herein have been allotted an extent of 914-647 (Ac.9.146) and 668-16 cents (AC.6.68) and 153-873 (Ac.1.53) cents totalling 1736-680 cents (Ac.17.366).

The share of Defendant No.4 is allotted and marked in the Scheme of Partition Maps as follows:

1. 914-647 cents

2. 668-16 cents

3. 107-14 cents

4. 24-110 cents

5. 14-290 cents

6. 8-333 cents

26. Whereas from the above it can be clearly observed that the share of Defendant No.4 i.e., the Petitioner herein is allotted as 6 different bits and were clearly marked in the scheme of Partition Map of the Receivers and Commissioners which is being enclosed and the respondents are proceeding with illegal constructions, which is fraud on the Court and the Appellants, amounting unlawful enrichment.

27. Whereas it is submitted that as per the location on sketch of Sy.No.57 of Shamshiguda village, Kukatpally Mandal, Medchal-Malkajgiri District, as per Tahsildar Kukatpally Mandal an area of AC.60-15 gts is only shown as vacant land and actually the vacant land behind Blue sheets which was in possession of Tahsildar Kukatpally Mandal, may be around Ac.80-00 gts.

28. It is submitted that the final decree Application of the Defendant No.4 i.e. D4 bearing No: 892 dated 20/03/2013 is pending in the Hon'ble High Court of Telangana for the last 10 years and that now the Hon'ble High Court is considering the Report of the new Receiver-cum-Commissioners for passing any orders in Applications for Final Decrees.

29. Whereas it is submitted that the mutation in Revenue Records done by Tahsildar, Kukatpally Mandal, Medchal-Malkajgiri District in favour of M/S Anish Construction Co and My Palace Mutually Aided Cooperative Society for an extent of AC.92-56 gts in Sy.No:57, Shamshiguda village, which was also entered into the Dharani Portal also covers an area of 153-873 cents (1.53 acres) belonging to LRs of D4, as per the scheme of partition submitted by the Receiver-cum-Commissioners is highly illegal, fraudulent and the Petitioner herein i.e., D4 is put to irreparable loss for which action of the Tahsildar

Kukatpally Mandal and the District Collector, Medchal-Malkajgiri District, who is the approving Authority are liable for contempt and prosecution. It is also submitted that the Appellant herein had requested the Mandal Revenue officer, Balanagar Mandal (now Kukatpally Mandal) vide his letter dated 10th March 2019 for Mutation of Land falling to the share of Defendant No.4 i.e., D4, as per the scheme of Partition submitted by Receiver-cum-Commissioners for which no reply was received and no action was taken.

30. It is submitted that another letter was submitted for mutation of land falling to the share of Defendants No.4 to the Tahsildar, Kukatpally Mandal, Medchal-Malkajgiri District, Hyderabad dated 06/09/2021 for which no reply was received and no action was taken.

31. It is submitted that the Petitioner herein personally approached the Tahsildar, Kukatpally Mandal, for Mutation of Lands falling to the share of Defendant No.4 i.e., D4 and he had replied that unless the Final Decree is there the Revenue Authorities cannot mutate the Lands.

32. The appellants humbly submits that the total extent of land in Shamshiguda Village, Sy.No: 57 is AC.303-91 gts. M/S Ashish Construction Co and My Palace Mutually Aided Cooperative Society have entered into Decd of Declaration/confirmation with some of the Defendants, for a total extent of AC.100-00 gts only out of AC.303-91 gts i.e., around 33% of the total extent. The Defendants have been allotted their shares in 5 to 6 bits and not as a single unit and these 5 to 6 bits are scattered all around Sy.No: 57. The plan prepared and approved by the Tahsildar, Kukatpally and allotted Ac.92-56 gts in favour of Anish Construction Co and My Palace Mutually Aided Cooperative

Society is almost as a single unit contrary to the scheme of partition submitted by the Receivers-cum-commissioners. The plan also includes an extent of 153-873 cents (AC.1-538) which was allotted to Defendant No.4 i.e., D4 which is highly illegal. This is a Fraud played by the Tahsildar, Kukatpally Mandal and District Collector, Medchal Malkajgiri District to favour Respondents 7 and 8 and to get illegal gratification in the process. The Tahsildar should be ordered to protect the land of AC.1-538 allotted to Defendant No.4.

33. The appellants humbly submits that the Layout plan prepared and approved by the Tahsildar, Kukatpally Mandal for AC.92-56 gts is mainly covering the vacant area within the Blue Sheets as a single unit which is highly irregular. Even as per the survey report of the Tahsildar, Kukatpally the vacant land available in Sy.No: 57, Shamshiguda village is only AC.60-34 gts, and most of the vacant land is allotted to Respondents No's.1 & 2 which is highly irregular and against the scheme of partition submitted by the Receivers-cum-Commissioners. Even though in the plan prepared and allotted to Respondents No.1 and 2, share allotted to D4, for an extent of 6.681 Acres is shown as untouched but it is within the Blue sheets which has an extent of 70 to 80 Acres only and there is every possibility that D4 share shall also be taken possession which is a ground reality. The plan approved by the Tahsildar, Kukatpally also shows some of the occupied areas like Maisamma Temple, Janmabhoomi Colony allotted by Government to weaker sections. Hence the Tahsildar, Kukatpally Mandal should be ordered to protect the share of Defendant No.4 for an extent of 6.681 Acres which is inside the Blue sheets.

34. It is submitted that if the entire unoccupied/Vacant land is allotted to Respondent No's.1 and 2 i.e., Anish Construction Co and My Palace Mutually

Aided Cooperative Society, contrary to the Scheme of Partition, Defendant No. 4 shall be put to irreparable loss by having only occupied lands to their share which is highly illegal. It is submitted that the Tahsildar, Kukatpally Mandal has to Mutate the entire extent of AC.303-91 gts, of land in Sy.No.57, Shamshiguda Village in the name of the original Pattadar/Decree holders in CS.No.7 of 1958 i.e LRs of Asman Jahi Paigan Estate and without entering the names of original Pattadars, how mutation can be done in favour of Third Parties.

35. It is also submitted that the Final Decree dated 19/09/2013 passed by the Hon'ble High Court against Application No.837, do not contain any details of individual shares assigned by the Defendants nor in the Deed of Declaration/Confirmation registered as Document No.293/IV/2011 dated 12/08/2011, in the absence of which it is very difficult to ascertain which schedule of property was assigned. Any Assignment by the Defendants should only be as per the scheme of Partition submitted by the Receiver cum Commissioners.

36. It is submitted that the respondents 1 & 2 have made applications for Passbook Data Correction through Dharani Portal vide Application Nos.2300050081, dated 09.03.2023 and Application No.2300050346, dated 09.03.2023 respectively. The respondents 178 & 179 i.e. the District Collector & Tahsildar, enquired into the matter and as per the findings of the Tahsildar vide File Nos.B/73/2021, dated 10.03.2023 the applications of the respondents1 & 2 are processed and mutation is done in their favour.

"On perusal of documents submitted by applicant it is found that M/s. Anish Constructions recorded as Pattedar in Sy.No.57, to an extent of Ac.68-19 Gts., out total extent of Ac.279.3098 Gts., in Shamshiguda Village.

"On perusal of documents submitted by applicant it is found that M/s. My Palace Mutually Aided Co-Op. Society Rep. by Sripad Deshpande recorded as Pattedar in Sy.No.57, to an extent of Ac.24-03 Gts. out total extent of Ac.279.3098 Gts. in Shamshiguda Vllage.

At present in Shanshiguda Village Sy.No.57, admeasuring total to an extent Ac.279.3098 Gts., recorded as Government land in Notional Khata 20000101 on patta lands which is wrongly marked in Dharani Portal.

On verification of revenue records of Shamshiguda Village based on the Khasra Pahani for the year 1954-55 & 2010-11 to 2015-16 admeasuring Ac.274-33 gts. is classified as Poramboke Sarkari. Originally, the land in Sy.No.274 of Kukatpally Village was recorded in the Revenue Records as Poramboke Sarkari land. It is submitted that the same Sy.No.274 later it was renumbered as Sy.No.57 as Shamshiguda Village.

It is to submit that according to Court case in CS 7 of1958 Dt.06.04.1959 preliminary decree the subject land is considered as patta lands of Matruka properties of paigah which is confirmed by CCLA vide Lr.No.A2/206/2009, dt.22.02.2010, Government of Telangana vide Memo No.33149/JA/2021 Dt.25.02.2023. The third parties filed IA 5 of 2020 in 837 of 2013 the then Supreme Court of India Civil Appeal No.5784 of 2022 @ Special Leave Petition (SLP)(CIVIL) No.7015 of 202) has directed and passed Orders in favour of M/s. Anish Construction Co. Rep. by Bore Nirmala, My Palace Mutually Adlded Co.Op. Society Rep. by Sripad Deshpande recorded as

pattedar in Sy.No.57 of Shamshigudg Village, Kukatpally Mandal, Medcha-Malkajgiri District comprising total extent of Ac.92-56 cents as patta lands.

Further Government has also accorded permission to update in Dharani Portal and also directed to remove the said extent from Prohibitory List.

Moreover applicant has applied in Sy.No.57, Ac.68-19 Gts. out of Ac.274-33 gts. in favour of M/s. Anish Construction for passbook Data Correction for implementation in Dharani Online records, which is recorded as "Government lands" in Notional Khata to patta land khata as patta lands.

Moreover applicant has applied in Sy. No.57 (Ac.24-03 gts.) out of Ac.274-33 Gts. in favour of My Palace Mutually Aided Co-Op. Housing Society, Rep. by Sripad Deslhpande, for Passbook Data Correction for implementation of Dharani Online Records, which is recorded as Lands Government Lands" in Notional Khata to Patta Land Khata as Patta Lands.

No RSR Issue.

EC Verified. No sale transactions found in the name of pattedar.
Hence the request of the applicant is recommended for approval.
Sub-Division record preparation is under process.

With the same findings, by changing the extent of lands has recommended for approval in another application made by M/s. Exella properties.

Basing on the above findings the applications of the respondents 1 & 2 are processed and mutation is done in their favour.

It is pertinent to note that throughout the findings of the Tahsildar, no mention of the scheme of partition are made, which is very much relevant as the partition is done in favour of 22 beneficiaries.

37. It is submitted that the findings of the respondents 178 & 179 on the Dharani Applications made by the respondents 1 & 2 and further mutating the lands as sought through the applications is illegal and contrary to the Scheme of Partition approved on 17.07.2009 vide Order in Application No. 495 in CS No.7/1958 on the file of this Hon'ble Court and in contravention Confirmation and Declaration dated 12.08.2011.

38. The appellants reserves their right to raise any other grounds at the time of hearing.

KNOWLEDGE:

a. That the appellants came to know about the magnitude of fraud on 25.07.2023 when other fraudulent persons were encroaching on the appellants' part of the schedule property in Sy.No.57 of Shamshiguda Village, wherein a complaint was lodged before the police at P.S. Jagadgirigutta, Hyderabad, at the same time when the appellants visited other part of the schedule property behind Blue Sheets, the appellants noticed that respondents 1 & 2 are encroaching upon the allotted property of appellants, as per the illegal acts, the passage of final decree is ex-facie illegal and caused severe prejudice to the petitioner / appellant and in such a situation, the Hon'ble Court is under obligation to undo the wrong done to a party by the Act of the

Court as per the established legal maxim "Actus Curiae Neminem Grayabik" which means that the act of the Court shall prejudice no one, becomes applicable in such a case. In such a case, the Court is under obligation to undo the wrong done to a party by the Act of the Court.

b. As per the Judgement in Inderchand Jain (Dead) through LR's vs. Motial (Dead) through LRs (2009) 14 SCC 663, wherein the Hon'ble Supreme Court held that the said Maxim is established upon justice and equity and help in the law administration.

The Court observed hence;

This well settled position need not detain us, when the second point urged by the appellant is focused. There can be no quarrel with the proposition as noted by the Hon'ble High Court that a party cannot be made to suffer on account of an act of the Court. There is well recognized maxim of equity, namely "actus curiae neminem gravabit" which means an act of the Court shall prejudice no man. This maxim is founded upon justice and good sense, which serves a safe and certain guide for the administration of law.

c. And also as per Judgment in UPSRTC vs. Imityaz Hussain 2006 (1) SCC 380 the said maxim was analyzed.

d. And also as per Judgment in Orissa Development Corporation vs. Anupam Traders, no party should suffer due to Act of Court. As such not only the respondents 1 & 2 but the other respondents i.e. respondents i.e. 178 to 183 are also necessary parties and their illegal acts has to be condemned. The appellants' interest shall not be affected. The respondents shall not change the nature or status of the property or shall make any further constructions.

FRAUD :

a. And as per legal maxim "Fraus est calare fraudam" it is fraud to conceal a fraud. And also Justice nemini neganda est" justice is to be denied to nobody.

Maxim - The fraud and justice will never dwell together as per legal maxim "Fraus et jus nunquam cohabitant" which is relied upon by the Hon'ble Supreme Court in United India Insurance Co. vs. Rajender Singh and others Mau/SC/0180/2000.

b. And also compulsory registration of conveyance of immovable property U/s.49 & 17 of the Registration Act, 1908 as per Suraj Lamps and Industries Pvt. Ltd. through Director vs. State of Haryana (2009) 7 SCC 363.

Fraud on Court : Parties must come before the Court with clean hands and fraud on the Court whereby the Judgment and Decree obtained by playing fraud will be a nullity including consent decree obtained by fraud. Hence such decree and also all subsequent Judgements and Decrees passed on claims of Right, Title, interest and possession based on decree which is vitiated by Fraud liable to be set aside Badami (deceased) by LRs vs. Bali (2012) 11 SCC 574.

c. Any Judgment or Order obtained by playing fraud is a nullity and it can be challenged at any stage, at any time in appeal, revision, Or even in collateral proceedings as per Hon'ble Supreme Court Judgment in A.P. Papayya Sastry and Others vs. Government of A.P. and others (2007) 4 SCC 221.

d. The Judgment or Decree obtained by fraud to be treated as nullity and can be questioned even in collateral proceedings. Non-disclosure of relevant documents with a view to obtain advantage amounts to fraud. Held decree obtained by non-disclosure of release deed amount of fraud on Court and hence decree liable to be set aside (1994) 1 SCC S.P. Chengalavarai Naidu (dead) by LRs vs. Jagannath (dead) by LRs.

Prayer:

It is therefore prayed that this Hon'ble Court may set aside the Final Decree passed in Application No.837/2013 in C.S.No.7 of 1958, dated 19/09/2013 as the same was obtained by playing fraud on the Court by Suppressing Division Bench orders dated 10/06/2003 which set aside the EP.38/2002 on which the Respondents are relying on the Schedule of Property for which possession said to have been given. As on today none of the Defendants are in possession of their shares, the Hon'ble Court by allowing the appeal may be pleased to pass such other order or orders as may deem fit and proper in the circumstances of the case."

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

7. For better appreciation, it is necessary to extract the final decree dated 19.09.2013 passed in Application No.837 of 2013 in C.S. No.7 of 1958 by the learned Single Judge.

> "1. That the Civil Suit C.S. No.7/1958 is a suit for partition and separate possession respect of the Matruka properties of Late Nawab Moinduddowla

Bahadur, forming Paigah Asmajahi. The Hon'ble High Court has passed a preliminary decree in C.S. No.7/1958 on 6-4-1959 by virtue of a compromise, under which the Plaintiff and Defendant No.1 have received the cash, mansions, urban properties and securities, therefore the share of Defendants No.2 to 22 are determined, holding them entitled to receive their shares in all other suit schedule properties including the properties shown in item No.230 to 254 of schedule "A" annexed to the preliminary decree.

2.That the property in Sy.No.57 of Shamsiguda village, Balangar Mandal, R.R. District is part of item No.252 of schedule "A" appended to the preliminary decree, which is Matruka properties of Moinuddowla Bahadur, wherein the Defendants No.2 to 22 are held entitled to receive the due share in terms of the preliminary decree in C.S. No.7/1958. The Chief Commissioner Land Administration, Govt., of A.P., submitted a report to the Government of Andhra Pradesh Revenue Department, A.P. Secretariat vide CCLA LR.No.NA2/206/2009 dated 22-02-2010, confirming that the land in Sy.No.57 of Shamsiguda village, is a private patta land belonging to Paigah Asmajahi. The said proceedings have become final and therefore the Government of A.P., represented by the Respondents No.180 to 182 is bound by the preliminary decree as well as this final decree.

3. That the Petitioners No.1 & 2 have acquired the property in Sy.No.57 of Shamsiguda Village, Balangar Mandal, R.R. District, being part of Item No.252 of Schedule "A" appended to the

preliminary decree, to an extent of Ac.100-Gts., under an Assignment Deed executed by the Share Holders/Defendants. The Petitioners No.1 & 2 have been brought on record and they have also been delivered possession of the property by virtue of the execution proceedings in E.P. No.38/2002 on the file of Hon'ble Principal District Judge R.R. District. Having thus delivered possession the Petitioners Nof.1 & 2 have fenced the land by putting the barricades around the said property.

4. That the Respondents 4, 5, 10 to 14, 18, 20, 21, 34 to 38, 40 to 47, 49, 51 to 53, 54, 56 to 63, 66 to 68, 71 to 75, 104, 105, 109 to 115, 148 & 149, have also executed a document, titled as "CONVEYANCE DEED" dated 3-8-2003 in favour of the petitioners No.1 & 2, conveying the property measuring Ac.100-00 Gts., with specific boundaries in favour of the petitioners No.1 & 2. Since the Assignment Deed dated 16-09-2000 as well as the said Conveyance Deed dated 3-8-2003 are unregistered documents, therefore another registered document namely "DEED Of DECLARATION/CONFIRMATION" dated 12-08-2011 is executed by the Respondents No.4, 11, 12 to 14, 36 to 38, 41 to 47, 49, 51 to 53, 57 to 59, 60 to 64, 66, 66 to 69, 72 to 74, 104, 105, 109, 113 to 115, 148, 149, 155 to 159 & 160 to 169 and thereby declared and confirmed to the effect that they have sold, transferred, granted and conveyed the property measuring Ac.100-00 Gts., in Sy No.57 of Shamsiguda Village, Balanagar Mandal, R.R. District as shown in the schedules respectively and the plan annexed thereto and the boundaries mentioned therein. The said 'DEED OF DECLARATION/CONFIRMATION" dated

12-08-2011 is registered as Doct. No.293/IV2011 by the District Registrar R.R. District.

5. That out of the Ac.100-00 Cents., of land in Sy.No.57 of Shamsiguda Village, the petitioners No.1 & 2 have parted with an extent of Ac.7-44 Cents, in favour of the Respondents No.172 & 173 herein which is shown in schedule "A-1" annexed to the petition. Therefore, the Respondents No.172 & 173 are also brought on record as Defendants No.148 & 149 in C.S. No.7/1958 and they are also granted the ifnal decree to the extent of Ac.7-44 Cents., as shown in the said schedule and a separate final decree is engrossed. The Respondents No.148 to 171 who are the legal heirs of the deceased share holders, are also brought on record as Defendants in C.S. No.7/1958 vide orders dated 13.09.2013 in Appl.No.838/2013 in C.S. No.1958.

6. That out of Ac.100-00 Cents, the Petitioners No.1 & 2 have parted with and allotted an extent of Ac.7-44 Cents., in favour the Respondents No.72 & 173, therefore the petitioners are held entitled to get the final decree passed to an extent of Ac.92-56 Cents., in Sy.No.57 of Shamsiguda Village, being the alenees pendent lite. The said land measuring Ac.92-56 cents, is not forming a compact block but is in three bits, an extent of Ac.65-56 Cents, as shown in schedule "A" and the plan in blue color appended to this final decree and an extent of Ac.27-00 Cents shown in two bits measuring Ac.11-43 Cents & Ac.15-57 Cents., as shown in schedule "B" & "B-1" and the plan annexed to this final decree in pink color.

7. Therefore this court do hereby grant the final decree in favour of the petitioners No.1 & 2 in respect of the land admeasuring Ac.92-56 Cents., in Sy.No.57 of Shamsiguda Village, being the alienees pendent lite, which is shown in three bits, i.e., an extent of Ac.65-56 Cents, as shown in schedule "A" and the plan in blue color appended to this final decree and an extent of Ac.27-00 Cents shown in two bits measuring Ac.11-43 Cents & Ac.15-57 Cents., as shown in schedule "B" & "B-1" and the plan annexed to this final decree in pink color. Thus by virtue of this final decree, the petitioners are be and hereby declared as absolute owners of the land measuring Ac.92-56 Cents., in Sy.No.57 of Shamsiguda Village, Balanagar Mandal, R.R. District being part of item No.252 of schedule "A" annexed to the preliminary decree in C.S. No.7/1958, being the aliences pendent elite, which is shown in three bits, i.e., an extent of Ac.65-56 Cents, as shown in schedule "A" and the plan in blue color appended to this final decree and an extent of Ac.27-00 Cents shown in two bits measuring Ac.11.-43 Cents & Ac.15-57 Cents, as shown in schedule "B" & "B-1" and the plan annexed to this final decree in pink color.

8. This Court further do hereby grant the final decree in favour fo the Respondents No.172 & 173 in respect of the land measuring Ac.7-44 Cents., in Sy.No.57 of Shamsiguda Village, which is shown in schedule "A-1" and the plan in yellow color appended to this final decree. Thus by virtue of this final decree, the Respondents No.172 & 173 are be and hereby declared as absolute owners of the land measuring Ac.7-44 Cents., in

Sy.No.57 of Shamsiguda Village, Balanagar Mandal, R.R. District being part of item No.252 of schedule "A" annexed to the preliminary decree in C.S. No.7/1958 and morefully described in schedule A-1 and the plan in yellow color annexed to this final decree.

9. That the petitioners No.1 & 2 and the Respondents No.172 & 173 are be and hereby directed to pay the remuneration to the Recivers-cum-Commissioners in respect of their respective extents of the land land finally decree in their favour within two weeks.

10. That there be no order as to costs.

SCHEDULE "A" PROPERTY

ADMESURING AC.65-56 CENTS

All that vacant land in physical possession of Second Party No.1 & 2/Final Decree Petitioners, admeasuring Ac.65-56 Cents, in Sy.No.57 of Shamsiguda Village, Balanagar Mandal, R.R. District, shown in blue color in the plan annexed hereto being part of item No.252 of schedule "A" annexed to the preliminary decree in C.S. No.7/1958 pending on the file of Hon'ble High Court of A.P., at Hyderabad and bounded by :-

North : Village boundary of Gajula Ramaram

South : Bagh Ameeri Tank & Part of Sy.No.57 allotted to Defendants No.3.

East : Land allotted to Respondents No.174 to 177 and land allotted to Defendant No.3 & V.B. of Kukatpally.

West : Land shown in schedule "B" in Sy.No.57 of Shamsiguda Village.

SCHEDULE "B" PROPERTY

ADMESURING AC.11-43 CENTS

All that land measuring Ac.11-43 Cents in Sy.No.57 of Shamsiguda Village, Balanagar Mandal, R.R. District, shown in pink color in the plan annexed hereto being part of item No.252 of schedule "A" annexed to the preliminary decree in C.S. No.7/1958 pending on the file of Hon'ble High Court of A.P., at Hyderabad and bounded by :-

North : Village boundary of Gajula Ramaram
South : Bagh Ameeri Tank.
East : Land shown in schedule "A"
West : V.B., of Bachupally Village.

SCHEDULE "B-1" PROPERTY

ADMESURING AC.15-57 CENTS

All that land measuring Ac.15-57 Cents in Sy.No.57 of Shamsiguda Village, Balanagar Mandal, R.R. District, shown in pink color in the plan annexed hereto being part of item No.252 of schedule "A" annexed to the preliminary decree in C.S. No.7/1958 pending on the file of Hon'ble High Court of A.P., at Hyderabad and bounded by :-

North : Land allotted to Defendant No.3 & 10 in Sy.No.57
South : Land allotted to Defendant No.7 & 12 in Sy.No.57
East : Land allotted to Defendant No.6 and the land shown in schedule "A-1" allotted to the Respondents No.172 & 173.
West : Land allotted to Defendant No.3 & 10.

SCHEDULE "A-1" PROPERTY

LAND ADMESURING AC.7-44 CENTS

All that land measuring Ac.7-44 Cents in Sy.No.57 of Shamsiguda Village, Balanagar Mandal, R.R. District, shown in yellow color in the plan annexed hereto being part of item No.252 of schedule "A" annexed to the preliminary decree in C.S. No.7/1958 pending on the file of Hon'ble High Court of A.P., at Hyderabad and bounded by :-

North : 40 feets wide road in Sy.No.57 of Shamsiguda Village.

South : Land allotted to Defendant No.6 and land in schedule "B-1" allotted to the petitioners No.1 & 2.

East : Land allotted to Defendant No.5 and the land shown in schedule "A" allotted to the petitioners No.1 & 2.

West : 40 feets wide road and the land allotted to Defendant No.3.

8. At this juncture, it is significant to note that the Division Bench of this Court vide order dated 09.01.2025 closed the C.S. No.7 of 1958 wherein at para No.36 observed as under:

> "36. On a perusal of the paragraph 4(g) of the preliminary decree dated 06.04.1959, it is evident that the defendant Nos.2 to 22 were entitled to the properties mentioned at item Nos.230 to 254 of Schedule 'A' annexed to the preliminary decree, in case the same are restored or released in favour of Asman Jahi Paigah. In the instant case, admittedly, there is no material to indicate that the properties mentioned at serial No.230 to 254 of Schedule 'A' to the preliminary decree have

been restored or released in favour of Asman Jahi Paigah. It is pertinent to note that as per para 4(g) of the preliminary decree dated 06.04.1959, the Commissioners-cum-Receivers have the power to sell the property by way of public auction and exercise all powers necessary for effecting the division of the sale between the defendants No.2 to 12 and 14 to 22. Accordingly, each son would get 2/33 and each daughter would get 1/33 in the properties of Schedule 'A' except items 230 to 254 of the Schedule and items of properties allotted to the plaintiff. The defendant Nos.2 to 22 will get their share, namely, each son getting 2/35 and each daughter getting 1/35 from the arrears of income future income, compensation or commutation or sale proceeds of the items 230 to 254 of Schedule 'A' detailed under the head of "Makthas" in case of the same are restored or released in favour of Paigah Asman Jahi."

9. It is not out of place to note here that the learned counsel Mr. T.K. Sreedhar appearing for the appellants herein represented in C.S. No.7 of 1958 wherein he made the following submission, which reads as under:

"…. Mr.T.K.Sridhar, learned counsel for the legal representatives of defendant No.4 in the suit and for respondent No.4 in application No.24 of 2024 submitted that the report dated 06.09.2023 submitted by the receiver cum commissioner in so far as it pertains to lands mentioned in Sl. Nos.232 to 254 is required to be rejected. Learned counsel further submitted that the receiver cum commissioner appointed by this Court ought to have appreciated that the final decree cannot be

passed in application Nos.1409 of 2013 and 837 of 2013 as the unregistered assignment deeds were executed and a title in respect of the immovable property cannot be passed on the basis of the unregistered document. Therefore, the application seeking final decree at the instance of the applicants in application Nos.1409 of 2013 and 837 of 2013 is not maintainable and it is also pointed out that the receiver cum commissioner has cursorily prepared the report and ought to have examined the issue in greater detail as the Government is in possession of some of the lands covered under the preliminary decree."

10. The subject property under appeal is in respect of Item No.252 falling in Schedule 'A' of the preliminary decree dated 06.04.1959 and the subject land is in Sy.No.57 of Shamshiguda Village, Balanagar Mandal, Ranga Reddy District is the schedule property of the suit in O.S. No.7 of 1958. The Division Bench of this Court vide order dated 09.01.2025 had closed the C.S. No.7 of 1958 wherein at Para No.40 observed that *"As such, the submissions made on behalf of the objectors are unsustainable and in that view of the matter, it can safely be concluded that no lands are available for partition in item Nos.230 to 254 of Schedule 'A' attached to the preliminary decree. In the absence of preliminary decree for item Nos.230 to 254 in Schedule 'A', no final decree could have been passed. Therefore, reports filed earlier are without proper verification, are fictitious and the same are treated as nullity and are hereby rejected."*

11. Since the C.S. No.7 of 1958 was closed with specific observation that no lands are available for partition in Item No.252 and the subject land in Sy.No.57 of Shamshiguda Village, Balanagar Mandal, Ranga Reddy District is the schedule property of the suit in O.S. No.7 of 1958 as such, no further adjudication is required in this appeal.

12. Accordingly, this O.S.A. No.1 of 2024 in Application No.837 of 2013 in C.S. No.7 of 1958 is disposed of leaving it open to the parties to pursue their remedies as available under law, if they so feel aggrieved by this order. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

SD/-K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. M/s. M. A. Bari Advocate, Receiver- cum- Commissioner In C. S. No. 7/1958 Having the office at H. No. 11- 3- 627, Mosque Road, New Mallepally, Hyderabad. 4. 179).
2. M/s. B. Shyamsunder Rao, Advocate, Receiver- cum- Commissioner In C. S. No. 7/1958 Having the, office at H. No. 11- 3- 627, Mosque Road, New Mallepally, Hyderabad.
3. The Principal Secretary, State of Telangana, Revenue Department, Secretariat, Hyderabad.
4. The District Collector, Ranga Reddy. District, Having the office at Lakdikapul, Hyderabad.
5. The Tahslidar, Balanagar Mandal, Balangar, R. R. District.
6. The District Collector, Medchal Malkajgiri District.
7. The Tahsildar Kukatpally Mandal, Medchal Malkajgiri District.
8. The District Registrar, Medchal Malkajgiri District.
9. The Sub- Registrar, Kukatpally, Medchal Malkajgiri District.
10. The Commissioner, Greater Hyderabad Municipal Corporation, Circle No. 24, Kukatpally, Medchal Malkajgiri District.

11. One CC to SRI. T. K. SRIDHAR, Advocate [OPUC]

12. One CC to Ms. MANJARI S GANU Advocate [OPUC]

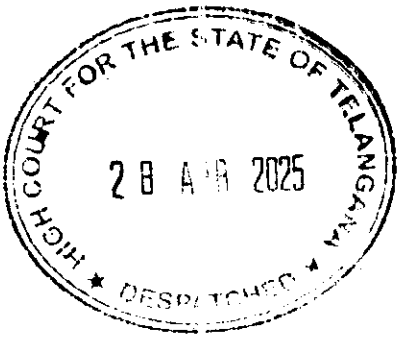
13. Two CCS to Advocate General , High Court for the State of Telangana at Hyderabad.

14. Two CD Copies

Kul/gh

HIGH COURT

DATED:07/03/2025



Judgment

O.S.A. NO: 1 OF 2024 in Aplication No. 837 of 2013 in C.S.No. 7 of 1958

DISPOSING OF THE OSA WITHOUT COSTS

17 MT 24/4/25