IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY ,THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

THE HON'BLE SRI JUSTICE N.V.SHRAVAN KUMAR

O.S.A NO: 8 OF 2018 in Application No. 856 of 2013 in C.S.No. 7 of 1958

Appeal Under Clause 15 of Letters Patent aggrieved by the Order dated 19-09-2013 in Application No. 856 of 2013 in C.S.No. 7 / 1958 on the file of the High Court.

Between:

1. The State of Telangana Rep. by its Principal Secretary (Previously The Government of AP) Revenue Department, Secretariat.
2. The District Collector, Medchal-Malkajgiri (Previously shown as District Collector, Ranga Reddy District).
3. The Tahsildar, Kukatpally Mandal (Previously shown as Tahsildar, Balanagar Mandal), Medchal-Malkajgiri District.

...APPELLANTS/ Respondents 182, 183 & 184

AND

1. Gopishetty Balaji S/o. G.V.Subbarayudu, aged about 39 years, Occ. Business, R/o H.No.2-44, Patha Bazaar, Railway Kodur, YSR District A.P. .. ..Respondent/ Appellant
2. Sahebzadi Sultan Jahan Begum (Died).
3. D-1 Nawab Zahir Yar Jung Bahadur, (Died).
4. D-2 Mazharuddin Khan, (Died) Per L.Rs., Respondents No.4 to 8.
5. D-2(a) Nawab Mohd. Moinuddin Khan, S/o Mazharuddin Khan, aged about 70 years, Occ. Household, R/o Masabtank, Hyderabad.
6. D-2(b) Nawab Mohd. Mohiuddin Khan, S/o. Mazharuddin Khan, aged about 68 years, R/o katiyanagar, Nanalnagar, Hyderabad.
7. D-2(c) Janaba Parwarishunnisa Begum, D/o Mazharuddin Khan, aged about 73 years, Occ. Household, R/o H.No.6-2-30/2, Lakdikapool, Hyderabad.
8. 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.
9. D-2(e) Janaba Viqarunnisa Begurn, D/o Mazharuddin Khan, aged about 60 years, Oc. Household, R/o H.No.33/44, Block Koramandla, Bangalore, Karnataka. (Respondents No.4 to 8 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.

10. (D-3) Bashir Jung (Died), Per L.Rs., Respondents No.10 to 15.

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

12. (D-3(b) Nawab Shahiduddin Khan, (Died), S/o. Bashir Jung.

13. (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.

14. (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.

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

16. (D-3(f) Janaba Inteqaburmisa Begum (Died), D/o. Late Bashir Jung. (Respondents No.10 to 15 are added as Defendants No.D-3(a) to (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.

17. (D-4). Lateefuddin Khan, (since deceased per L.Rs., (D-4(a) to (o), Respondents No.17 to 31.

18. 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, Khairathabad, Hyderbad.

19. (D-4(b). 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.

20. (D-4(c). Janaba Ahmedunnisa Begum, D/o Late Nawab Lateefuddin Khan, aged about 73 years, Occ. Household, R/o Suite 339, 515, St.Laurent, Bivd, Ottawa KIK 3.5 Ontorio, Canada.

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

22. (D-4(e). Janaba Mahboobunnisa Begum, D/o Late Nawab Lateefuddin Khan, aged about 69 years, Occ. Household, R/o Flat No.402, Indra Lok Apartments, Banjara Hills, Hyderabad.

23. (D-4(f). Nawab Mohd. Fakhruddin Khan, S/o Late Nawab Lateefuddin Khan, aged about 62 years, Occ. Business, R/o H.No.11-5-416/1, Red Hills, Hyderabad.

24. (D-4(g). 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,

25. (D-4(h). Janaba Mohammedunnisa Begum, D/o Late Nawab Lateefuddin Khan, aged about 60 years, Occ. Household, R/o H.No.11-5-416/1, Red Hills, Hyderabad.

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

27. (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.

28. (D-4(k). Janaba Aasia Begum, D/o Late Nawab Lateefuddin Khan, aged about 80 years, Occ. Household, R/o Flat No.402, Indralok Apartments, Banjara Hills, Hyderabad.

29. (D-4(l). Janaba Shabana Begum, D/o Late Nawab Lateefuddin Khan, aged about 60 years, Occ. Household, R/o Flat No.402, Indralok Apartments, Banjara Hills, Hyderabad.

30. (D-4(m). Janaba Muneer Begum, D/o Late Nawab Lateefuddin Khan, aged about 60 years, Occ. Household, R/o Flat No.402, Indralok Apartments, Banjara Hills, Hyderabad.

31. (D-4(n). Nawab Khamruddin Khan, S/o Late Nawab Lateefuddin Khan, aged about 58 years, Occ. Business, R/o Flat No.402, Indralok Apartments, Banjara Hills, Hyderabad.

32. (D-4(o). Nawab Azizuddin Khan, S/o Late Nawab Lateefuddin Khan, aged about 57 years, Occ. Business, R/o Flat No.402, Indralok Apartments, Banjara Hills, Hyderabad.

(Respondents No.17 to 31 added as per order of the 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.

33. (D-5). Iftekharuddin Khan, (deceased) per Legal Representatives Respondents No.33 to 38 as Defendants No.D-5(a) to D-5(f).

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

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

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

37. (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.

38. (D-5(e). Nawad Akbaruddin Khan, S/o Late Iftekharuddin Khan, aged about 66 years, Occ. Business, R/o.. H.No.17-1-30/4/1, Eidi Bazaar, Ramachandra Nagar, Hyderabad.

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

40. (D-6. Ahmeduddin Khan, (Died) per L.Rs., Respondents No.40 to 49.

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

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

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

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

45. (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.

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

47. (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.

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

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

50. (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.40 to 49 are added as Defendant No.D-6(a) to (j) in Appl.No.73/200 in C.S.No.7/1958 vide order dated 2-2-2000, being the legal representatives of deceased Defendant No.6 Adhmeduddin Khan

51. (D-7). Afsaruddin Khan, (Died) per L.Rs., Respondents No.51 to 53.

52. (D-7(a). Janaba Basheer Banu, D/o Late Afsaruddin Khan, aged about 58 years, Occ. Household, R/o H.No.16-2-70/1, Shnkar Bazaar, Gaddianaram, R.R.District.

53. (D-7(b). Janaba Vigar Banu, D/o Late Afsaruddin Khan, aged about 35 years, Occ. Household, R/o H.No.16-2-7011, Shnkar Bazaar, Gaddianaram, R.R.District.

54. (D-7(c). Nawab Jahangiruddin Khan, S/o Late Afsaruddin Khan, aged about 34 years, Occ. Business, R/o. H.No.16-2-70/1, Shnkar Bazaar, Gaddianaram, R.R.District.

(Respondents No.51 to 53 are added as Defendants No.D-7(a) to (c) in Appl.No.72/2000 in C.S.No.7/1958 vide order dated 2-2-2000, being the legal representatives of deceased Defendant No.7 Afsaruddin Khan.

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

56. (D-9). Wajihuddin Khan, (Died), per L.Rs., Respondents No.56 to 64.

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

58. (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.

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

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

61. (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.

62. (D-9(f). Janaba Sayeedunrtisa Begum, D/o Wajihuddin Khan, aged about 54 years, Occ. Household, R/o H.No.8-5-I1/2, Uddamgadda, Bandlaguda, R.R.District.

63. (D-9(g). Nawab Asifuddin Khan, S/o Wajihuddin Khan, aged about 50 years, Occ. Business, R/o H.No.8-5-11/2, Uddamgadda, Bandlaguda, R.R.District.

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

65. (D-9(i). Janaba Parwarunnisa Begum @ Jahandarunnisa Begura, D/o Wajihuddin Khan, aged about 66 years, Occ. Household, R/o Lord Mansion, Lalapet, Hyderabad.

(Respondents No.55 to 64 are added as Defendants No.D-9(a) to (i) in Appl.No.72/2000 in C.S.No.7/1958 vide order dated 2-2-2000, being the legal representatives of deceased Defendant No.9 Wajihuddin Khan.

66. (D-10). Bahauddin Khan, (died) per L.Rs. Respondents No.6 to 69.

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

68. (D-10(b). Nawab Runuddiri Khan, S/o Late. Bahauddin Khan, aged about 66 years, R/o. H.No.12-1-584/8, Asifnagar, Hyderabad.

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

70. (D-10(d). Janaba Parwarishunnisa Begum @ Mohammedunnisaa Begum, W/o Late. Bahauddin Khan, aged about 64 years, Occ. Household, R/o. H.No.12- 1-584/8, Asifnagar, Hyderabad.

(Respondents No.66 to 69 are added as Defendants No.D-10(a) to (d) in Appl.No.72/2000 in C.S.No.7/1958 vide order dated 2-2-2000, being the legal representatives of deceased Defendant No.10 Bahauddin Khan.

71. (D-11). Badaruddin Khan, (died) per L.Rs., Respondents No.71 to 74.

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

73. (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.

74. (D-1 1 (c). Janaba Ameerunnisa Begum, D/o Late Badaruddin Khan, aged about 60 years, Occ. Household, R/o. H.No.3-5-782/52/a/1, King Koti, Hyderabad.

75. (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.71 to 74 are added as Defendants No.D-11(a) to (d) in App1.No.72/ Z000 in C.S.No.7/1958 vide order dated 2-2-2000, being the legal representatives of deceased Defendant No.11 Badaruddin Khan.

76. Nawab Mohd. Jalaaluddin Khan D-12, (Died).

77. (D-13). Nawab Zainulabeddin Khan, (Died), S/o Late Nawab Moinuddowla Bahadur, Per L.Rs., Respondents No.77 to 103,

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

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

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

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

82. (D-13(e). Janaba Younusunnisa Begum, D/o Nawab Zainulabeddin Khan, aged about 61 years, Occ. Landlord, R/o. H.No.12-1-513, Lalapet, Secunderabad

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

84. (D-13(F-1). Janaba Mahaboobunnisa Begum, W/o Late Nawab Mohd. Naseeruddin Khan, aged about 61 years, Occ. Household, R/o H.No.12-1-512, Mahboob Mansaion, Secunderabad.

85. (D-13(F-2). Janaba Atiya Begum, W/o Late Nawab Mohd. Naseeruddin Khan, aged about 51 years, Occ. Household, R/o H.No.12-1-512, Mahboob Mansaion, Secunderabad.

86. (D-13(F-3). Nawab Mohd. Abdul Fateh Khan, (Died), Per L.Rs., Respondents No.86 to 89.

87. (D-13(F-3(a). Azmath Fathima, W/o Nawab Mohd. Abdul Fateh Khan, aged about 35 years, Occ. Household, R/o. H.No.12-1-512, Mahboob Mansaion, Secunderabad.

88. (D-13(F-3(b). Zainabunnisa Begum, D/o Nawab Mohd. Abdul Fateh Khan, aged about 1.3 years, Occ. Student, Minor Represented by Guardian Aazmath Fathima Mother, R/o H.No.12-1-512, Mahboob Mansaion, Secunderabad.

89. (D-13(F-3(c). Kashifunnisa Begum, D/o Nawab Mohd. Abdul Fateh Khan, aged about 11 years, Occ. Student, Minor Represented by Guardian Aazmath Fathima Mother. R/o H.No.12-1-512, Mahboob Mansaion, Secunderabad.

90. (D-13(F-3(d). Khadarunnisa Begum, D/o Nawab Mohd. Abdul Fateh Khan, aged about 9 years, Occ. Student, Minor Represented by Guardian Aazmath Fathima Mother, R/o H.No.12-1-512, Mahboob Mansaion, Secunderabad.

91. (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 Mansaion, Secunderabad.

92. (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 Mansaion, Secunderabad.

93. (D-13(F-6). Nawab Mohd. Ismailuddin Khan, S/o Late Nawab Mohd. Naseruddin Khan, aged about 23 years, Occ. Landlord, R/o. H.No.12-1-512, Mahboob Mansaion, Secunderabad.

94. (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 Mansaion, Secunderabad

95. (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 Mansaion, Secunderabad.

96. (D-13(F-9). Bilqeesunnisa Begum, D/o Late Nawab Mohd. Naseruddin Khan, aged about 26 years, Occ. Household, R/o. H.No.12-1-512, Mahboob Mansaion, Secunderabad.

97. (D-13(F-10). Humeraunnisa Begum, D/o Late Nawab Mohd. Naseruddin Khan, aged about 24 years, Occ. Student, R/o H.No.12-1-512, Mahboob Mansaion, Secunderabad.

98. (D-13(F-11). Anees Fathima Begum, D/o Late Nawab Mohd. Naseruddin Khan, aged about 18 years, Occ. Student, R/o. H.No.12-1-512, Mahboob Mansaion, Secunderabad.

99. (D-13(g-1). Mohd. Basheeruddin Ahmed, H/o Late Nafeesunnisa Begum, aged about 65 years, Occ. Business, R/o H.No.12-1-511/2, Mahboob Mansaion, Secunderabad.

100. (D-13(g-2). Nawab Mohd. Daveruddin Khan, S/o Late Nafeesunnisa Begum, aged about 42 years, Occ. Business, R/o H.No.12-1-511/2, Mahboob Mansaion, Secunderabad,

101. (D-13(g-3). Mohd. Sirajuddin Ahmed, S/o Lae Nafeesunnisa Begum, aged about 35 years, Occ. Business, R/o H.No.12-1-511/2, Mahboob Mansaion, Secunderabad.

102. (D-13(g-4). Janaba Wajahathunnisa Begum, D/o Lae Nafeesunnisa Begum, aged about 44 years, Occ. Household, R/o H.No.12-1-511/2, Mahboob Mansaion, Secunderabad.

103. (D-13(g-5). Janaba Qadeerunnisa Begum, D/o Lae Nafeesunnisa Begum, aged about 38 years, Occ. Household, R/o H.No.12-1-511/2, Mahboob Mansaion, Secunderabad.

104. (D-13(g-6). Ayesha Bano Ahmed, D/o Late Nafeesunnisa Begum, aged about 24 years, Occ. Household, R/o H.No.12-1-511/2, Mahboob Mansaion, Secunderabad.

(Respondents No.77 to 103 are added as Defendants No.D-13(a) to (f), D-13(F-1 to F-11 and D-13(G-1) to (G-6), being the legal representatives of deceased Defendant No.13 Zainulabeddin Khan.

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

106. (D-15). Warisuddin Khan, S/o late Nawab Moinuddowla Bahadur, aged about 74 years, Occ. Landlord, R/o KNo.8-2-686/16/D/2, Road No.14, Banjara Hills, Hyderabad.

107. (D-16). Fareedunnisa Begum, (Died), unmarried and issueless.

108. (D-17), Layeequnnisa Begum, (Died), D/o Late Moinuddowla Bahadur.

109. (D-18). Izzathunnisa Begum (Died), D/o Late Moinuddowla Bahadur (died) per L.Rs. Respondents No.109 to 111.

110. (D-18(a). Janaba Liyaqathunnisa Begum, D/o Izzathunnisa Begum, aged about 60 years, Occ. Household, R/o. Kakatiyanagar, Nanalnagar, Hyderabad.

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

112. (D-18(c), Janaba Tahniyathunnisa Begum, D/o Late Izzathunnisa Begum, aged about 58 years, Occ. Household, R/o. H.No.10-2-310, Bazaarguard, Mallepally, Hyderabad.

(Respondents No.109 to 111 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.

113. (D-19). Iftehkarunnisa Begum (Died), D/o Late Moinuddowla Bahadur.

114. (D-20). Mallika Jahan Begum, D/o Late Moinuddowla Bahadur, aged about 78 years. Occ. Household, R/o H.No.22-5-484, Panjeshah, Charrninar, Hyderabad.

115. (D-21). Akthar Jahan Begum, D/o Late Moinuddowla Bahadur, aged about 76 years Occ Household, R/o. H.No.23-1-213, Andherigalli, Alijahkotla, Charminar, Hyderabad.

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

117. (D-23) Mahboobunnisa Begum

118. (D-24) Raheemunnisa Begum,

119. (D-25). Ladli Begum (deceased) Per L.Rs,

120. (D-25 (a). Kulsum Begum,

121. (D-25 (b) Mirza Bakar Ali,

122. (D-25 (c). Mirza Liakat Aali Baig,

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

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

125. (D-26). Liaqat Begum,

126. (D-27). Famed Jahan Begum,

127. (D-28), Sultana Begum,

128. (D-29) Gulam Mohammed,

129. (D-30) Mansab Jung,

130. (D-31) Shaik Mohiuddin,

131. (D-32). William Ceaser,

132. (D-33). Mahboob Khan,

133. (D-34). Shamsuddin Khan

134. (D-35). Govind Rao

135. (D-36). Sridhara Rao

136. (D-37). Jayarao Sambrahani

137. (D-38). N.K.Guruswamy

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

139. (D-40). Sahebzada Dildar Ali Khan

140. (D-41). Syed Waliullah Hussaini

141. (D-42). Ameenuddin Hussaini

142. (D-43). Hyderabad Development Cooperative Society

143. (D-44). Colonel Ali Raza,

144. (D-45). Syed Ali Abbas,

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

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

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

148. (D-49). Hari Prasad, No Address

149. Nawab Sabir Lutfuddin 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.

150. Janab 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.148 to 149 are impleaded as Defendants No.3(g) and 3(h) vide orders dated 13-09-2013 in Appl.No.838/2013 in C.S.No.7/1958.

151. Nawab Abdul Rahman Khan, S/o Late Nawab Shahiduddin Khan, aged about 42 years, Occ. Business, R/o. Aziz Bagh Colony, Tolichowki, Hyderabad.

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

(Respondents No.159 and 151 are impleaded as Defendants No.3(i) and 3(j) vide orders dated 13-09-2013 in Appl.No.838/2013 in C.S.No.7/1958.

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

154. Janaba Saba Nasir, D/o Late Janaba Inteqabunnisa Begum, aged about 26 years, Occ. Household, R/o Mud fort, Sec-bad.

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

(Respondents No.152 to 154 are impleaded as Defendants No.3(k), 3(1) and 3(m) vide orders dated 13-09-2013 in Appl.No.838/2013 in C.S.No.7/1958.

156. Nawab Mohd. Fareeduddin Khan, S/o Late Nawab Iqbaluddin Khan, aged about 64 years, Occ. Landlord, R/o. H.No.16-2-705/A/B, Akbar Bagh, Malakpet, Hyderabad.

157. Janaba Moununnisa Begum, D/o Late Nawab Iqbaluddin Kha.n 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-bungalow, Kind kothi, Hyderabad. R/o 7A Bank Building, Mitcham Lane. London Sw166NG, England, U.K.

158. 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, Kind Kothi, Hyderabad.

159. 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 16-2-705/5/B, Akbar Bagh, Malakpet, Hyderabad.

(Respondents No.155 to 158 are impleaded as Defendants No.D-8(a) to D-8(d) vide orders dated 13-09-2013 in Appl.No.838/2013 in C.S.No.7/1958.

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

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

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

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

(Respondents No.159 to 162 are impleaded as Defendants No.D-10(e) to D-10(h) vide orders dated 13-09-2013 in Appl.No.838/2013 in C.S.No.711958.

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

(Respondents No.163 is impleaded as Defendants No.12(a) vile orders dated 13-09-2013 in Appl.No.838/2013 in C.S.No.7/1958.

165. Nawab Khusro KamalPasha, S/o Late Janaba Layeequnnisa Begum, aged about 68 years, Occ. Landlord, permanent resident of R/o 5-9-246/1, Chirag Ali Lane, Abids, Hyderabad.

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

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

168. Janaba Sumihaunnisa Hamid, D/o Late Zeenatunnisa Begum, aged 37 years, 0cc. Landlady, R/o H.No.11-2-585, Habeeb Nagar, Nampally, Hyderabad.

169. Janaba Hassa Humid, D/o Late Zeenatunnisa Begum, aged 34 years, Occ. Landlady, R/o. H.No.11-2-585, Habeeb Nagar, Nampally, Hyderabad.

(Respondents No.165 to 168 are impleaded as Defendants No.D-18(d) to D-18(g) vide orders dated 13-09-2013 in Appl.No.838/2013 in C.S.No.7/1958.

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

(Respondents No.169 is impleaded as Defendants No.19(a) vide orders dated 13- 09-2013 in AppLNo.838/2013 in C.S.No.7/1958.

171. Nawab Mohd. Ghaziudin Khan, (D14 in C.S.No.7/58) S/o Late Nawab Moinud-Dowla, aged 75 years, Occ. Landlord, R/o. 8-2-686/16/D/2, Banjara Hills, Hyderabad.

172. Nawab Mohd. Warisuddin Khan, (D15 in C.S.No.7/58) S/o Late Nawab Moinud-Dowla, aged 74 years, Occ. Landlord, R/o. 8-2-686/16/D/2, Banjara Hills, Hyderabad.

(Respondents No.170 and 171 are original as Defendants. No.14 and 15 and also L.Rs., of Defendant No.19 being her brothers).

173. 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.

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

(Respondents No.172 and 173 are impleaded as Defendants No.148 and 149 vide orders dated 13-09-2013 in Appl.No.838/2013 in C.S.No.7/1958.

175. 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.

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

177. 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.

178. 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.174 to 177 are impleaded as Defendants No.150 to 153 vide orders dated 13-09-2013 in Appl.No.838/2013 in C.S.No.7/1958.

179. 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.

180. My 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.

181. 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.

182. M/s. B.Shyam Sunder 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 2 to 172 and 175 and 175 to 182 are formal parties)

...RESPONDENTS/ Receiver-cum-Commissioners

Aggrieved by the order dt 19.09.2013 of the Honble Mr. Justice A.Rajasheker Reddy, passed in Application No. 856 of 2013 in CS No. 7 of 1958

I.A. NO: 3 OF 2017(APPL. NO: 5972 OF 2017)

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

I.A. NO: 3 OF 2016(APPL. NO: 8743 OF 2016)

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 suspend the operation of the Judgment and Decree dated 19 09 2013 passed in Appin No 856 of 2013 in C S No 7 of 1958, pending disposal of the Appeal, in the interest of justice and pass

I.A. NO: 2 OF 2016(APPL. NO: 1208 OF 2016)

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 condone the delay of 182 days in filing the Appeal in the interest of justice

Counsel for the Appellants: ADDITIONAL ADVOCATE GENERAL (TG)

Counsel for the Respondents: SRI P.V.S.K. CHAKRAVARTHY

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.8 of 2018 in Application No.856 of 2013 in C.S. No.7 of 1958

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

The learned Additional Advocate General for the appellants.

Mr. Chakravarthy P.V.S.K, learned counsel for the respondents.

This Original Side Appeal has been filed under Clause 15 of Letters Patent aggrieved by the order dated 19.09.2013 passed by the learned Single Judge of this Court in Application No.856 of 2013 in C.S. No.7 of 1958.

2. The appellants herein submits that they are the respondents No.182, 183 and 184 and the respondent No.1 herein is the petitioner in Application No 856 of 2013 in C.S. No.7 of 1958.

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 Respondent/Petitioner has filed Application No.856 of 2013 in C.S. No.7 of 1958 seeking to pass final decree in favour of the respondents/petitioners in respect of the land measuring Ac.1.00 guntas in Sy.No.57 of Shamsiguda village, Balanga· Mandal, R.R. District, being part of Item No.252 of schedule 'A' annexed to the preliminary decree in C.S. No.7 of 1958 and to direct the Receivers-

cum-Commissioners to deliver the physical possession of the land measuring Ac.1.00 guntans in Sy.No.57 of Shamsiguda village, Balanagar Mandal, R.R. district as shown in the schedule and plan.

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 on the following grounds:

1. The order passed in application No.856 of 2013 seeking final decree in respect of Acre 1-00 in Sy.No.57 of Shamshiguda village, Balangar Mandal, R.R. District is contrary to law and facts and is liable to be set aside.

2. The learned Judge ought to have seen that while seeking up final decree, the State was necessary party to the proceedings since the properties in respect of which final decree was claimed is vested with the Government, consequent upon abolishing of Jagirs.

3. The learned Judge ought to have seen that by making an endorsement that State was not a necessary party to the proceedings, causes serious prejudice to the interest of the State.

4. The learned Judge ought to have appreciated that had notice been given to the State appropriate claim would have been made in respect of the property.

5. The learned Judge ought to have seen that there was no material available on record to arrive at a conclusion as to the nature of the property and claims by third parties *vis* the State.

6. The learned Judge ought to have issued notice to the State, so as to enable the State to place before the Court that there is no specific mention of Sy.No.57 of Shamshiguda village in any of the schedules to the preliminary decree and that the final decree could not have been passed when the preliminary decree does not mention the survey number.

7. The learned Judge ought to have issued a notice to the State so as to enable the State to place before the Court that as per the settlement tender revenue records of Kukatpalli the land is recorded as "Poramboke Sarkari".

8. The conclusion arrived by the learned Single Judge that no objection was expressed by Counsel for allowing the application on the ground that they have entered into a compromise is erroneous since no notice has been issued to the State.

9. The order under challenge is not reasoned order.

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 excerpt the order dated 19.09.2013 passed in Application No.856 of 2013 in C.S. No.7 of 1958 by the learned Single Judge.

> "This is an application filed Under Order 20 Rule 18 CPC., r/w Section 146 and 151 CPC to pass a final decree in favour of the petitioner to and Extent of Ac.1.00 guntas, in Sy.No.57 of Shamshiguda Village, Balangar Mandal, Ranga Reddy District, on payment of requisite stamp

duty and direct the Receiver-cum-Commissioner to deliver the physical possession of the land.

It is stated that already paper publication is ordered in Application No.495 of 2009 and the same was published and filed in the Court. Thereafter, the Commissioner filed his report on 17.07.2009.

The learned counsel for the respondents have no objection in allowing the application since they have entered into a compromise.

Sri M.A. Bari, Learned Senior Counsel, Receiver-cum-Commissioner also submits that he has no objection for passing a final decree.

In view of the averments stated in the affidavit filed in support of this application and since there is no objection from anybody, this application is allowed to the extent of passing final decree only.

Sri M.A. Bari, Senior Counsel, who is Receiver-cum-Commissioner is entitled to receive the remuneration at the rate of 2% on the value of the property and the applicants are directed to pay the same at the time of delivery of possession of the property."

8. The aforesaid order was followed by the decree dated 19.09.2013 drafted in Application No.856 of 2013 in C.S. No.7 of 1958, which reads as under:

"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 which have become final;

3. That the Petitioner who has purchased the land measuring Ac.2-00 Gts., in Sy.No.57 of Shamsiguda Village, Balanagar Mandal, R.R. District, being part of item No.252 of Schedule "A" appended to the preliminary decree, from the Defendants No.15, 12, 14, 8, 19, 20, 21, 22 and the legal heirs of Defendants No.3, 4, 5, 6, 7, 9, 10

& 11, was brought on record as Defendant in C.S. No.7/1958, and is entitled to get the final decree passed in his favour.

4. That as per the orders of the Hon'ble High Court in Appl.No.495/2009 in C.S. No.7 of 1958, the Receivers-cum-Commissioners have submitted the scheme of partition along with the plan, dividing the property in Sy.No.57 of Shamsiguda Village, by metes and bounds among the share holders and the Petitioner being the alienee pendent lite, was accommodated him in the scheme of partition, being bonafide purchaser specifically allotting Ac.2-00 Gts., of land to the petitioner being the purchaser from the share holders, and shown in the plan by metes and bounds.

5. That the land allotted to the Petitioner by the Receivers-cum-Commissioners under the scheme of partition, is under the physical possession of the Respondents No.178 & 179 herein, and the Petitioner and the Respondents No.178 & 179 have amicably settled the matter and the Petitioner is allotted Ac.1-00 Gts., in Sy.No.57 of Shamsiguda Village, which is specifically shown in the schedule and plan annexed hereto.

6. That by virtue of the purchase and in view of the above settlement the Petitioner is entitled to this final decree to an extent of Ac.1-00 Gts., only out of Sy.No.57 of Shamsiguda Village.

This Court upon observing that the applicant issued notice vide substitute service and since there is no objection from anybody, doth order and decree as follows:-

1. The applicant be and the same is hereby allowed and a final decree be and hereby is passed in favour of the Petitioner in respect of the land measuring Ac.1-00 Cents., in Sy.No.57 of Shamsiguda Village, being the alienee pendent lite, which is shown in the schedule and the plan in red color appended to this final decree.

2. That the Petitioner be and hereby is declared as absolute owner of the land measuring Ac.1-00 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.

3. That the Sri M.A. Bari is entitled to receive the remuneration @ 2% on the value of the property;

4. That the applicant herein is directed to pay the remuneration at the time of deliver of possession of the property; and

5. That there be no order as to costs."

SCHEDULE OF PROPERTY

ALLOTTED TO THE PETITIONER/FINAL DECREE HOLDER

All that land measuring Ac.1-00 Gts., out of 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, more specifically shown in the plan in red color annexed hereto and bounded by:-

North Village boundary of Gajula Rama Ram.

South : 40 feets wide road & land allotted to Respondents No.172 & 173/Defendants No.148 & 149 in C.S. No.7/1958.

East : Part of Sy.No.57 of Shamsiguda Village.

West : 40 feet wide Road & part of Sy.No.57 of Shamsiguda."

9. On a perusal of the order passed by the learned Single Judge, it is noticed that though the appellants, State, were made parties, it is specifically mentioned that "*(Respondents No.1 to 177, 182 to 184 are not necessary parties to this application) and they are made as proforma parties.*"

10. In the final decree dated 19.09.2013, it is stated that the respondents/petitioners purchased the land measuring Acs.2.00 guntas in Sy.No.57 of Shamsiguda village, Balanagar Mandal, R.R. District, being part of Item No.252 of Schedule "A" appended to the preliminary decree, from the Defendants No.15, 12, 14, 8, 19, 20, 21, 22 and the legal heirs of Defendants No.3, 4, 5, 6, 7, 9, 10 & 11, who were brought on record as defendant in C.S. No.7 of 1958, are entitled to get the final decree in their favour.

11. In the case on hand, though the appellants herein were made party to the proceedings, it is specifically mentioned that they are not necessary parties and they are made as proforma parties. As such, there was no occasion for the appellants herein to file their objections.

12. The learned Single Judge in the order dated 19.09.2013 recorded that the appellants/respondents had no objection in allowing the application since they have entered into compromise. It is also observed that already paper publication is ordered in Application No.495 of 2009 and the same was published and filed in the Court and thereafter, the Commissioner filed his report on 17.07.2009. It is further recorded that the learned Senior Counsel, Receiver-cum-Commissioner also submits that he has no objection for passing a final decree. Recording the above, the learned Single Judge allowed the application to the extent of passing final decree only.

13. However, in the copy of the final decree, there is no mention or reference about the compromise of the appellants herein, who represents the State. In the decretal copy, it is declared that the respondent/petitioner is the absolute owner of the subject land of Acs.1.00 cents in Sy.No.57 of Shamshiguda village, Balangar Mandal, R.R. District being part of item No.252 of schedule "A" annexed to the preliminary decree in C.S. No.7 of 1958. It is further recorded that the respondent/petitioner has purchased the land measuring Acs.2.00 guntas in Sy No.57 of Shamshiguda village, Balanagar Mandal, R.R. District.

14. 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."

15. The subject property under appeal is in respect of Item No.252 (Shamshiguda) of Schedule-A of the suit. 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 it was 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."

16. It is to be noted that the C.S. No.7 of 1958 was closed with specific observation that no lands are available for partition in Item No.252 Schedule-A and the subject land i.e. admeasuring Acs.1.00 guntas in Sy.No.57 of Shamshiguda village of Schedule 'A' of the suit Balangar Mandal, Ranga Reddy District, is part of said Item No.252.

17. In view of the above discrepancies found in the order and the decree dated 19.09.2013 and that the appellants though arrayed as respondents No.182, 183 and 184 were shown as not necessary parties to the Application No.856 of 2013 and were made as proforma parties, the appellants could not put forth their objections. As such, the order and decree dated 19.09.2013 is not binding on the appellants. That apart, taking into consideration the specific observations made in C.S. No.7 of 1958 that no lands are available for partition in Item Nos.230 to 254 of Schedule "A" attached to the preliminary decree and in the absence of preliminary decree for item Nos.230 to 254 in Schedule "A", no final decree could have been

passed, hence impugned order and decree dated 19.09.2013 passed in Application No.856 of 2013 in C.S. No.7 of 1958 are hereby set aside.

18. Accordingly, this OSA. No.8 of 2018 in Application No.856 of 2013 in C.S. No.7 of 1958 is allowed. However, it is made clear that this Court has not expressed any opinion on the title or otherwise of the appellants herein. 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

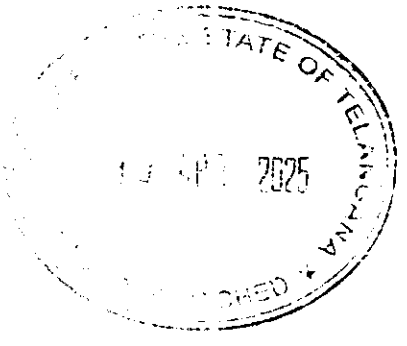
To,

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.
2. M/s. B.Shyam Sunder 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. Two CCS to the Additional Advocate General, High Court for the State of Telangana at Hyderabad.
4. One CC to SRI. P.V.S.K. CHAKRAVARTHY, Advocate [OPUC]
5. Two CD Copies

kpa

HIGH COURT

DATED:21/02/2025



JUDGMENT

O.S.A NO: 8 OF 2018 in Application No. 856 of 2013 in C.S.No. 7 of 1958

ALLOWING THE O.S.A NO: 8 OF 2018 in

Application No. 856 of 2013 in C.S.No. 7 of 1958

WITHOUT COSTS

(8)

kpr
24/4/25