

**IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE
RANIPET, RANIPET DISTRICT.**

Present: Thiru.A.BALAKRISHNAN, B.B.A., L.L.B.,
I Additional District Judge,
Ranipet.

Saturday, this the 3rd day of January 2026

I.A.No.22/2022

in

O.S.No.18/2013

1. R.S.Nasar Sharif
2. H. Yousuf Sharif
3. Mubeen
4. Abdul Rahaman
5. Syed Imran
6. Showkath Tabbussum

..... Petitioners/Plaintiffs.

-Vs-

1. R.S.Ghouse Shariff (died)
2. Sabera Begum (died)
3. Jahannara Begum
4. Imran Shariff
5. Rizwan Shariff
6. Saaran Shariff
7. R.S.Afzal Sheriff Saheb
8. Mazhar Shariff Saheb
9. Shakira Begum
10. Abdullah Shariff Saheb
11. Zakira Begum (Died)
12. Zakiya Begum
13. Muzaffar Shariff Saheb
14. Nazira Begum
15. Khuthaija
16. Javeed
17. Junaid
18. Naveed
19. Madeena
20. Shahida parveen
21. Sajeeda Jabeen
22. R.S.Baseeth

23. Asma Mubeen
24. R.S.Wajid
25. R.S.Ahad
26. Feroze Begum
27. Janab K.O.Jahangir Basha (died)
28. J. Ameer Basha
29. A.R.Mushtaq
30. Nahida
31. Thahira
32. R.Riyaz
33. Aakhila
34. Shakila
35. Zeenath
36. Asmath
37. Ashraf
38. Showkath
39. Imtiyaz
40. Mussarrath
41. Ameena
42. Maqbool
43. Fathima
44. Rahamath Bi Saheba (Died)
45. Sardar Begum
46. K.Md.Haneef
47. Suraiya
48. Sabiha
49. Sufiya
50. Saira
51. K.Md.Shakeel
52. Iqbal Begum (died)
53. Fathima Sheireen
54. R.Q.Abdul Ghani (Died)
55. R.Q.Abdul Huq
56. R.Q.Abdul Kareem
57. Noorjahan
58. Aayisha
59. Shaistha
60. Armaan
61. R.S.Habibulla Sherif
62. Arjuman

- 63. Fahamida
 - 64. Shamshad Begum
 - 65. Althaf
 - 66. Afthab
 - 67. Mehthab
 - 68. R.J.Asif
-Respondents/Defendants.

- 1. Shaik Hameedullah Saheb
 - 2. Ansarullah Sherif
 - 3. Iqram Sherif
 - 4. Faridha
-Proposed parties/LR's of 35th defendant.

This petition is coming before me for final hearing on 17.12.2025 in the presence of Thiru.D.Mohammed Sadhiquddin, Advocate for Petitioners/plaintiffs, Thiru.A.Kutbudeen, Advocate for the respondents 8, 57, 58 to 60 & 63 and the respondents 3, 4 to 6, 14, 30 to 35, 39, 40 to 42, 45, 47 to 51, 55, 70 & 71 are endorsed as no counter and the respondents 2, 11, 27, 44, 52 & 54 are died and the proposed parties 92 to 95 and other respondents not filed counter/ remained exparte and upon hearing the arguments of both side and on perusal of all connected material records and having stood over for consideration till this date, this court passed the following;-

ORDER

The petitioners/Plaintiffs have filed the application Under order 22 Rule 4 of CPC to implead the legal heirs of deceased 35th defendant as 92 to 95 defendants in the above suit.

1. The 2nd plaintiff has filed an affidavit in support of the application stating that the above suit was filed by the plaintiffs for the relief of partition in respect of the properties of his grand father and during the pendency of the suit the 35th defendant died on 13.10.2020 leaving the proposed parties as his legal heirs and hence it is necessary to implead the proposed parties for proper adjudication of the matter.
2. The counter filed by the 8th defendant has been adopted by the defendants 57, 58 to 61 and 63. It has been contended that the present application is not maintainable as the petitioners have not filed any application to set aside the

abatement or to condone the delay. It has been further contended that the reason for the delay has not been properly explained by the plaintiffs and hence the application is liable to be dismissed.

3. Point for determination is :-

Whether the application to implead the legal heirs of deceased 35th defendant as 92 to 95 defendants in the above suit is deserved to be allowed?

4. Point : a) On perusal of records, it is seen that the plaintiffs have filed the above suit as against the defendants 1 to 68 seeking the relief of partition in respect of their shares in the suit properties. It is to be noted that the Hon'ble Supreme Court of India in Suo motu Writ petition (Civil) No.3/2020 in its order dated 10.01.2022, has held that the delay period from 15.03.2020 till 14.03.2021 shall be excluded for the purpose of limitation as may be prescribed under any general or any special laws in respect of all Judicial or quasi proceedings. In the present case, the 35th defendant was died on 13.10.2020 and the application to implead his legal heirs has been filed on 22.01.2021. As per the order of Hon'ble Supreme Court of India in the above Suo motu writ petition, this application is filed well within a period of limitation. There is no serious objection raised on the side of the contesting respondents except the contention that the delay was not properly explained. It is to be noted that the above suit is pending from the year 2013 onwards. Considering the fact that the above suit is one for the relief of partition and on considering the relationship between the parties, this court is of the view it is necessary to add all the legal heirs of deceased defendant for proper and complete adjudication and further no prejudice will be caused to the respondents in allowing this application. This point is answered accordingly.

In the result, the application is allowed. No cost.

Dictated by me to the Steno-typist transcribed and typed by her in the computer, corrected and pronounced by me in the open court, on this the 3rd day of January 2026.

I Additional District Judge,
Ranipet.