

**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.16/2019

in

I.A.No.133/2017

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
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
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
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. A. Nazeerudin
2. Muneerudin Shack
3. Khadeerudin
4. Aamina Parveen
5. Fathima Zareen

....Proposed parties/LR's of 44th 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 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 9 of CPC to set aside the abatement in respect of the death of 44th defendant in I.A.No.133 of 2017.

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 grandfather and during the pendency of the suit the 44th defendant died on 08.10.2018 leaving the proposed parties as his legal heirs and hence it is necessary to implead the proposed parties in I.A.No.133 of 2017 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 and it has been contended that the petitioners have not furnished correct particulars of legal heirs of deceased 44th defendant and the reason given in the affidavit for not taking the steps in time is false and hence the application is liable to be dismissed.

3. Point for determination is :-

Whether the application to set aside the abatement in respect of the death of 44th defendant in I.A.No.133 of 2017 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 above suit is pending from the year 2013 onwards. During the pendency of the suit, the 11th defendant died and hence an application in I.A.No.133/2017 has been filed to condone the delay of 219 days in taking steps to implead his legal heirs and when the said application is pending the 44th defendant was died and hence the present application has been filed. There is no serious objection raised on the side of the contesting respondents except the contention that the delay was not properly explained. 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.