



C.R.P.No.728 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED :16.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

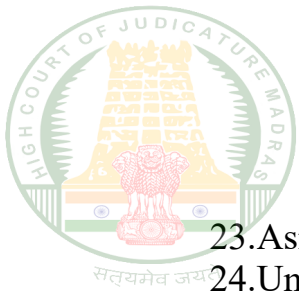
C.R.P.No.728 of 2026
and CMP.No.3821 of 2026

- 1.Najmunishabegam
- 2.Ajirabi
- 3.Mohammedmubin
- 4.Baarjanabegam

... Petitioners

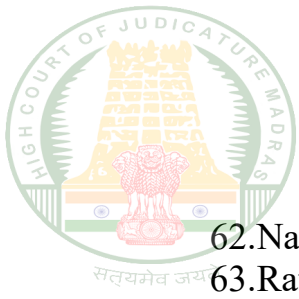
vs.

- 1.Mohammed Aajam
- 2.Mohammed Najeem
- 3.Mohammed Nijaam
- 4.Junath Sulthana
- 5.Mohammed Nameem
- 6.Jainap Sulthana
- 7.Mohammed Ameen
- 8.Mohammed Aman
- 9.Anzeem
- 10.Pirdhosh
- 11.Mohammed Parvesh
- 12.Mohammed Ismaiel
- 13.Mohammed Imthiyash
- 14.Mohammed Urayaathujama
- 15.Mohammed Kalkujama
- 16.Mohammed Khizar
- 17.Samiulla
- 18.Jabiulla
- 19.Rajiulla
- 20.Pamiulla
- 21.Pavushiya
- 22.Reehana Begum



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- 23.Asma Begum
- 24.Umme Ani
- 25.Bashilath
- 26.Mohammed Abubakkar
- 27.Ameer
- 28.Mohammed Ismaiel
- 29.Chandra Sekar
- 30.Jothi
- 31.Vijaya
- 32.Jamira
- 33.Shakitha Begum
- 34.Jabursathik Ali
- 35.Mukthiyar Baig
- 36.Samiulla
- 37.Navash Basha
- 38.Kurathul Jaan
- 39.Munavar
- 40.Saleema
- 41.Ramappa
- 42.Mohammed Javeeth
- 43.Venkatesh
- 44.Syednathim Agram
- 45.Nazeer
- 46.Nagaraj
- 47.Aslam Basha
- 48.Raja
- 49.Yashodamma
- 50.Nagarajan
- 51.Rama Moorthy
- 52.Kathar Baig
- 53.Harish Kumar
- 54.Venkattaraju
- 55.Prema
- 56.Mujamil Basha
- 57.Rathnappa
- 58.Munichandra Aachari
- 59.Narasimmappa
- 60.Rajeswari
- 61.Geetha



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62.Nazeer
63.Ratha
64.Roshiba
65.Anish Ameerkgan
66.Asmath Kghan
67.Javeeth Ali
68.Kaliloorahman
69.Pajlookaan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed in I.A.No.5 of 2025 in O.S.No.40 of 2017 dated 09.10.2025 on the file of the Additional District Judge, Hosur, and allow the amendment petition.

For Petitioners : Mr.S.C.Vishwanth

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioners seeking amendment of the plaint so as to include certain new properties. The petitioners herein filed a suit for partition against the respondents. The trial in the suit has commenced. At present, it is posted for cross-examination of defendant side witnesses. At this stage, the petitioners filed instant application seeking amendment of the plaint to include the properties which were left out in the original plaint. According to the petitioners, the



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properties sought to be included were purchased out of joint family funds available after death of Mohammed Ayup Sahip and also the funds generated by the joint family properties described in Schedules A, B and C of the plaint. The said amendment application was dismissed by the trial Court. Aggrieved by the same, the petitioners have come before this Court.

2. The learned counsel appearing for the petitioners would submit that in a suit for partition all the family properties shall be included. Therefore, in the interest of justice, the amendment application may be allowed.

3. A perusal of the affidavit filed in support of the amendment application would indicate that the petitioners claim that the properties sought to be included were purchased out of joint family funds. There is no concept of joint family in Islamic law and therefore, the submissions and averment made by the petitioners that the properties sought to be included were purchased in the name of Khairunnissa Begam by utilising the joint family funds and the funds generated by the joint family properties is not at all acceptable and the trial Court has rightly dismissed the application.



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4. I do not find any error in the impugned order passed by the trial Court, Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The Additional District Judge,
Hosur.



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S.SOUNTHAR, J.

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