



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**FIRST APPEAL No. - 295 of 2026**

Shri Aleemuddeen

.....Appellant(s)

Versus

Shri Salauddin And 23 Others

.....Respondent(s)

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Counsel for Appellant(s) : Anurag Sharma  
Counsel for Respondent(s) :

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**Court No. - 39**

**HON'BLE SANDEEP JAIN, J.**

The instant appeal has been filed by the plaintiff under Section 96 of the CPC against the impugned judgment and decree dated 08.12.2025, passed by the Court of Addl. Civil Judge (S.D.), Court No. 2, Meerut, in Original Suit No. 1466 of 2010 (Alimuddeen vs. Salauddin (deceased) through legal heirs and others), whereby the plaintiff's suit for the relief of partition has been dismissed.

Learned counsel for the plaintiff-appellant submitted that the plaintiff's father, Hakimuddeen, was the owner of the disputed property, which was purchased through a sale deed dated 02.09.1966, and the same was produced in original before the trial court.

Besides that, the certified copy of the house tax extract of the Meerut Municipal Corporation and house tax receipts were also produced, which duly proved that Hakimuddeen was the owner of the disputed property. He died on 22.05.2003 intestate, leaving behind five sons, one daughter, and the legal heirs of one predeceased son. As such, the plaintiff has a 2/13th share in the disputed property. However, the trial court dismissed the suit on the ground that the plaintiff failed to prove the aforesaid facts, which is a perverse finding.

It was further submitted that the defendants never appeared before the trial court to oppose the suit; therefore, the suit could not have been dismissed.

Matter requires consideration.

Appeal is admitted.

Issue notice to the respondents.

Steps be taken by both ways within a week.

Office is directed to summon the record of the trial court within 15 days.

List this matter on 27.04.2026.

**(Sandeep Jain,J.)**

**March 24, 2026**

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