

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(Arising out of SLP(C) No. of 2026)
[Diary No(s). 14406/2026]

KHAN MOHAMMED & ORS.

APPELLANT(S)

VERSUS

JINNAH @ NATHAR HUSSAIN & ORS.

RESPONDENT(S)

O R D E R

1. Delay condoned.
2. Issue notice.
3. Mr. A. Valen, AOR, accepts notice on behalf of respondents.
4. Heard learned counsel for the parties.
5. Leave granted.
6. It seems to us that in the peculiar facts and circumstances of this case, the learned High Court, instead of allowing the contesting respondents to withdraw the suit, ought to have permitted them to invoke Order 6 Rule 16 of the Code of Civil Procedure, 1908 (in short, the 'CPC') and seek amendment of the suit. We say so for the reason that, meanwhile, the appellants have filed a counterclaim along with requisite Court fee, which remains for adjudication.
7. In these circumstances, without expressing any opinion on merits, the instant appeal is allowed; the impugned order of the High Court dated 08.12.2025 is set aside; and the respondents are permitted to amend the suit in terms of

Order 6 Rule 16 of the CPC. Let such amended suit, through an appropriate procedure, be filed within four weeks. The Civil Court shall proceed with the amended suit, along with the counterclaim, in accordance with law.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
APRIL 20, 2026

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s). 14406/2026

[Arising out of impugned final judgment and order dated 08-12-2025 in CRPMD No.1362/2024 passed by the High Court of Judicature at Madras at Madurai]

KHAN MOHAMMED & ORS.

Petitioner(s)

VERSUS

JINNAH @ NATHAR HUSSAIN & ORS.

Respondent(s)

IA No. 113504/2026 - CONDONATION OF DELAY IN REFILEING/CURING THE DEFECTS, IA No. 113503/2026 - EXEMPTION FROM FILING O.T.

Date : 20-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. Sajal Jain, AOR

For Respondent(s) :Mr. A Velan, AOR
Ms. Navpreet Kaur, Adv.
Mr. Nilay Rai, Adv.
Mr. Prince Singh, Adv.
Ms. Kanika Sharma, Adv.
Mr. M. Rashik Hameed Mukilan, Adv.UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.
2. Issue notice.
3. Mr. A. Valen, AOR, accepts notice on behalf of respondents.
4. Leave granted.
5. The appeal is allowed in terms of the signed order.
6. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR

(signed order is placed on the file)