

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S). OF 2026

(Arising out of SLP (Civil) No(s).20008-20010 of 2026)

GEETA BAI & ORS.APPELLANT(S)

VERSUS

K. ARJUN SINGH & ORS.RESPONDENT(S)

O R D E R

1. Heard.
2. Leave granted.
3. The appellants herein are aggrieved by the judgment and final order dated 28th May, 2025 passed by the High Court for the State of Telangana at Hyderabad¹ whereby Interlocutory Application Nos.1/2022, 3/2022 and 4/2022 filed by the appellants in Appeal Suit No.552 of 2009 were rejected on the ground of maintainability.
4. The appellants herein had preferred three Interlocutory Applications before the High Court with the following prayers: IA No.1/2022, for recall of the compromise decree dated 23rd September, 2020; IA

¹ Hereinafter, referred to as the “High Court”.

No.3/2022, seeking impleadment in O.S. No.473 of 2000 as proper and necessary parties; and IA No.4/2022, seeking to restrain the parties to the proceedings from alienating or creating third party rights over the subject property in Appeal Suit No.552 of 2009.

5. The appellants herein are the legal heirs of Late Smt. Ballo Bai, who was the daughter and legal heir of Late Shri Tikaram Singh. It is the specific case of the appellants that Smt. Ballo Bai was entitled to an undivided 1/4th share in the suit property by virtue of Section 6 of the Hindu Succession Act, 1956, as amended by Act 39 of 2005. Original Suit for partition No.473 of 2000 was filed by Late Shri Dhan Singh, son of Late Shri Tikaram Singh, in the Court of IV Additional Senior Civil Judge (FTC), Ranga Reddy District at L.B. Nagar against his brother Late Shri Satyanarayan Singh (defendant No.1), and the legal heirs of Late Shri Sheetal Singh, who was also a son of Late Shri Tikaram Singh and the brother of the plaintiff.

6. However, Late Smt. Ballo Bai was not impleaded as a defendant in the suit. The trial Court dismissed the suit filed by Late Shri Dhan Singh, by judgment

and decree dated 30th June, 2009. Aggrieved, the legal heirs of Late Shri Dhan Singh filed Appeal Suit No.552 of 2009, again without impleading the legal heirs of Late Smt. Ballo Bai, i.e., the appellants herein, as respondents (Smt. Ballo Bai expired in the intervening period).

7. The appellants in the said appeal (the legal heirs of Late Shri Dhan Singh) and the respondents therein entered into a memorandum of compromise partitioning the suit schedule property proportionally amongst themselves. The said compromise was accepted and taken on record by the High Court leading to the judgment and decree dated 23rd September, 2020.

8. The appellants claim that during the lifetime of Late Smt. Ballo Bai, her brothers i.e., Late Shri Satyanarayan Singh, Late Shri Sheetal Singh and Late Shri Dhan Singh had promised to give an equal share to Late Smt. Ballo Bai and her legal heirs.

9. Yet, Late Smt. Ballo Bai, the only daughter and legal heir of Late Shri Tikaram Singh, who according to the appellants had a rightful 1/4th share in the suit schedule property as per Section 6 of the Hindu

Succession Act, 1956, as amended by Act 39 of 2005, was not impleaded as a defendant in the suit.

10. When the appellants herein came to know of the compromise recorded behind their back *vide* judgment and decree dated 23rd September, 2020, they moved the aforesaid applications before the High Court, which came to be dismissed with the observation that the appellants could not ask for recall of the post-decretal arrangement made by the parties to the appeal and that the remedy of the appellants (applicants before the High Court) would be to file a separate suit or an appeal to the higher court after seeking leave of the court.

11. Having heard and considered the submissions advanced by learned counsel for the parties and after going through the impugned order, we are of the opinion that the view taken by the High Court is erroneous and unsustainable in the eyes of law. By virtue of Section 6 of the Hindu Succession Act, 1956, as amended by Act 39 of 2005, Late Smt. Ballo Bai, being the legal heir of Late Shri Tikaram Singh, was entitled to stake a claim for 1/4th share in the suit schedule property and hence, was undoubtedly a necessary party to the proceedings.

12. The compromise decree obtained by the brothers/legal heirs being the plaintiffs and the defendants without impleading Late Smt. Ballo Bai or her legal heirs, despite her being a necessary party to the suit, was a nullity in the eyes of law.

13. By no stretch of imagination could Late Smt. Ballo Bai and her legal heirs be treated as strangers to the *lis* and thus they could not be disentitled from challenging the compromise and to seek recall of a decree obtained behind their back by virtue of the bar contained under Order XXIII Rule 3A of the CPC.

14. Accordingly, we find the impugned order, rejecting the three Interlocutory Applications referred to *supra*, to be unsustainable in the eyes of law, and the same is thus set aside.

15. The matter is remitted to the High Court to reconsider the aforesaid applications afresh in light of the observations made hereinabove. The interim order granted by this Court on 27th May, 2026 shall remain in force for two weeks from the date of this order.

16. We make it clear that the extension of the interim order by this Court shall not influence the High Court in taking an independent decision on the

request for stay after hearing learned counsel for the parties in accordance with law.

17. The parties shall appear before the High Court on 5th October, 2026.

18. The third parties who have filed impleadment/intervention applications before this Court are also given liberty to approach the High Court and appear on 5th October, 2026.

19. The appeals are allowed in these terms.

20. Pending application(s), if any, shall stand disposed of.

.....**J.**
(VIKRAM NATH)

.....**J.**
(SANDEEP MEHTA)

NEW DELHI;
SEPTEMBER 28, 2026.