

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

MCC No. 39 of 2022

(ASHOK KUMAR AND OTHERS Vs SMT. MEERA DEVI)

Dated : 17-02-2026

Shri Anand V. Bhardwaj - Advocate for applicants.

Shri Abhishek Singh Bhadoriya - Advocate for respondent.

This is a case where the trial Judge has given a complete go-by to the directions given by this Court.

2. This MCC has been filed under Order 39 Rule 2A, CPC alleging defiance of interim order dated 15/3/2013 passed by this Court in S.A. No.106/2013.

3. It is the case of applicant that by order dated 15/3/2013, parties were directed to maintain *status quo* as it existed on the date of passing of the order. However, in spite of aforesaid order, respondents have started raising construction over the disputed property.

4. Since the dispute was as to whether there has been a breach of interim order dated 15/3/2013 or not, therefore, the co-ordinate Bench of this Court by order dated 4/4/2024 held that the allegations require enquiry and evidence. Therefore, the trial Court was directed to conduct an enquiry regarding violation of interim order by raising construction on the disputed property and parties

were directed to remain present in person before the trial Court on 24/4/2024 and enquiry was directed to be completed within a period of four months. Thereafter, on 8/10/2025, it was found that enquiry report has not been received and, accordingly, the trial Court was directed to immediately send the enquiry report. In spite of the aforesaid direction, enquiry report was not sent and, accordingly, on 12/11/2025, Principal District and Sessions Judge, Bhind was directed to issue necessary directions to the trial Court not to show any lethargic attitude towards the directions given by this Court specifically when more than one year and six months have passed. It was also directed that the trial Court shall ensure that enquiry report must reach to this Court by 10/1/2026. Thereafter, it appears that the trial Court did not conduct any enquiry and obtained a spot inspection report from Executive Engineer, PWD and forwarded the same to this Court and, accordingly, on 19/1/2026, the following order was passed:-

1. *This Court by order dated 04.04.2024 had passed the following order :*

"Learned counsel for the applicants submits that by the order dated 15.03.2013 parties were directed to maintain status quo regarding the suit property till next date of hearing but the respondent is breaching the said order passed by this Court in SA No.106/2013 by raising construction over the disputed property.

Learned counsel for the respondent has expressly denied any violation by the

respondent.

After hearing learned counsel for both the parties, this fact requires inquiry and evidence, therefore, the trial Court is directed to conduct the inquiry regarding the violation of aforesaid order by raising the construction on the disputed property by the respondent after passing of the order dated 15.03.2013. Let inquiry be completed within a period of four months.

Parties are directed to remain present in person before the trial Court on 24.04.2024.

The Office is directed to take necessary steps in this regard.

List after receipt of inquiry report."

2. *Thereafter, on 08.10.2025, the following order was passed :*

"As directed by this Court by order dated 04/04/2024, inquiry report has not been received so far.

Accordingly, Trial Court is directed to immediately send inquiry report.

List on 03/11/2025."

3. *On 12.11.2025, following order was passed :*

"A PUD dated 3.11.2025 has been received from the Court of Second Additional Judge to the Court of a Civil Judge, Junior Division for extension of time to complete the enquiry.

This Court by order dated 4.4. 2024 had directed the trial Court to conduct the enquiry. More than one year and six months have passed but still the trial Court is unable to complete the enquiry. Expressing displeasure over the manner in which the matter is being

handled by the trial Court, further two months time is extended to complete the enquiry.

The Principal District and Sessions Judge, Bhind is directed to issue necessary instructions to the trial Court not to show any lethargic attitude towards the direction given by this Court specifically when more than one year and six months have passed.

The trial Court shall ensure that the enquiry report must reach to this Court by 10.01.2026. It is made clear that if the enquiry is not concluded prior to 31st of December, 2025, then this Court shall take lethargic attitude of the trial Court seriously.

List this case on 13.01.2026."

4. A letter dated 13.11.2025 has been received from Second Additional Judge to the Court First Civil Judge, Junior Division Bhind, which reads as under :-

"न्यायालय:- विवेक माल, प्रथम व्यवहार न्यायाधीश कनिष्ठ खण्ड के
द्वितीय अतिरिक्त न्यायाधीश भिण्ड म.प्र.

क्रमांक:- 815

भिण्ड, दिनांक:-13.11.2025

प्रति,

माननीय प्रिंसिपल रजिस्ट्रार महोदय

म०प्र० उच्च न्यायालय खण्डपीठ ग्वालियर

विषय:- माननीय उच्च न्यायालय खण्डपीठ ग्वालियर द्वारा एम.सी.सी. नंबर 39/2022 आदेश दिनांक 04.04.2024 के पालन में प्रकरण क्रमांक 3ए/2009 अशोक कुमार आदि बनाम मीरा देवी आदि में इस न्यायालय को स्थल निरीक्षण उपरांत प्रकरण मय स्थल निरीक्षण प्रतिवेदन मय मूल अभिलेख सहित भेजने बाबत।

संदर्भ:- माननीय प्रधान जिला न्यायाधीश भिण्ड के पृष्ठांकन क्रमांक 433 भिण्ड दिनांक 23.04.2024 एवं माननीय उच्च न्यायालय खण्डपीठ ग्वालियर के एम.सी.सी नंबर 39/2022 आदेश दिनांक 04.04.2024 के पालन में।

माननीय महोदय,

उपरोक्त विषय एवं संदर्भित सादर विनम्र निवेदन है कि माननीय उच्च न्यायालय खण्डपीठ ग्वालियर के एम.सी.सी नंबर 39/2022 आदेश दिनांक 04.04.2024 के आदेशानुसार प्रकरण क्रमांक 3ए/2009 ई.दी. अशोक कुमार आदि बनाम मीरादेवी आदि में इस न्यायालय को निर्देशित किया गया था कि उक्त प्रकरण की वर्तमान स्थल निरीक्षण प्रतिवेदन संबंधित से तैयार करवाया जाकर वापस इस न्यायालय को भिजवाया जावे।

माननीय उच्च न्यायालय खण्डपीठ ग्वालियर के उक्त आदेश के पालन में इस न्यायालय द्वारा कार्यपालन यंत्री पी.डब्ल्यू.डी. विभाग भिण्ड को पत्र के माध्यम से मौके की वर्तमान स्थल निरीक्षण प्रतिवेदन चाही गयी थी, जो कार्यपालन यंत्री लोक निर्माण विभाग संभाग भिण्ड के पत्र क्रमांक 4882 तक/भवन/2025-26/भिण्ड दिनांक 07.11.2025 के पालन में इस न्यायालय को दिनांक 08.11.2025 प्राप्त हो चुकी है।

अतः माननीय उच्च न्यायालय खण्डपीठ ग्वालियर के द्वारा उक्त प्रकरण के संबंध में चाही गयी स्थल निरीक्षण प्रतिवेदन की प्रति सहित मूल अभिलेख माननीय महोदय की ओर अवलोकनार्थ सादर प्रेषित है।

संलग्न - मूल प्रकरण क्रमांक-3/2009 ई.दी.

मय स्थल प्रतिवेदन की छायाप्रति

विवेक माल

प्रथम व्यवहार न्यायाधीश

कनिष्ठ खण्ड के न्यायालय के द्वितीय

अतिरिक्त न्यायाधीश भिण्ड म०प्र०"

5. *Thus, it is clear that the trial Court has merely obtained a spot inspection report from the Executive Engineer PWD and did not conduct any enquiry as directed by this Court by order dated 04.04.2024.*

6. *It is also submitted by Shri Bhadoriya that even the parties were not heard.*

7. *Accordingly, the Principal District and Sessions Judge, Bhind is directed to submit a report after seeking an explanation from the trial Court as to whether the matter has been dealt with by the trial Court in accordance with order dated 04.04.2024.*

8. *If the Principal District and Sessions Judge Bhind is of the view that the trial Court has acted in complete defiance of order dated 04.04.2024, then he can also take explanation from the trial Court and shall forward the same to this Court.*

9. *Furthermore, on multiple occasions, it has been held by this Court that whenever any report is sent by the trial Court, it must route through the Principal District and Sessions Judge of the concerning district but it appears that the trial Court has forwarded the report directly to this Court which did not give any opportunity to Principal District and Sessions Judge to go through the report and to find out as to whether the report is in accordance with order issued by this Court or not.*

10. *The Principal District and Sessions Judge Bhind is also*

directed to comment upon forwarding of this report by trial Court directly to this Court without routing through the Office of Principal District and Sessions Judge.

11. List this case on 09.02.2026.

5. A detailed enquiry report has been received from Principal District and Sessions Judge, Bhind and he has found that the trial Judge was negligent in discharging his duties. The trial Judge has also given his explanation and has tendered his apology for the mistake committed by him. However, the explanation given by the trial Judge is not satisfactory because he has not assigned any reasons for not recording the evidence of witnesses before submitting the report. Although the trial Court might be right in obtaining spot inspection report, but that report should have been considered after recording evidence of witnesses and the trial Court should have come to a conclusion as to whether temporary injunction order was breached by any of the parties or not, but nothing of that sort has been done. Apart from that, the trial Court kept the matter pending for considerably long time.

6. Under these circumstances, this Court is of considered opinion that conduct of the trial Judge requires an enquiry.

7. Accordingly, Office is directed to send photocopy of all the order-sheets of this Court, copy of enquiry report dated 31/1/2026 submitted by Principal District and Sessions Judge, Bhind, explanation given by concerning Judge on 30/1/2026, as well as, PUD dated 31/10/2025 to the Registrar General of this Court for

placing before Hon'ble the Chief Justice for necessary information as well as for any disciplinary action, if required against said Officer or not.

8. Since the trial Court has not submitted the enquiry report as required by this Court by order dated 4/4/2024, accordingly, Principal District and Sessions Judge, Bhind is directed to assign this case to some other Civil Judge so that the enquiry can be conducted as per the directions given by co-ordinate Bench of this Court on 4/4/2024.

9. Parties are directed to remain present before the Principal District and Sessions Judge, Bhind on 17/3/2026 so that the parties may be informed about the Court by whom enquiry will be conducted. In case if any of the parties fail to appear before the Principal District and Sessions Judge, Bhind on 17/3/2026, then no further notice shall be required to be issued to such absentee and it shall be presumed that the absentee has nothing to say in the matter.

10. The Court to whom the enquiry shall be assigned by the Principal District and Sessions Judge, Bhind is directed to complete the enquiry within a period of four months and the Court shall not rely upon the report of Executive Engineer, PWD which was sent by the trial Court on earlier occasion because the said spot inspection appears to have been done in the absence of parties. The Court is also granted liberty to direct for appointment of local Commissioner if it is found necessary. However, in case if any local Commissioner is appointed, then the Court shall fix the date

for carrying out spot inspection so that nobody can make a complaint that spot inspection was done behind his back.

11. List this case on 20/8/2026 for consideration of enquiry report (because of summer vacations, this Court has deliberately excluded a period of one month).

(G.S. AHLUWALIA)
JUDGE

(and)