

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCivil Appeal No.2808/2013

SANT PRASAD MISHRA & ORS.

Appellant(s)

VERSUS

PUSHPRAJ SINGH & ANR.

Respondent(s)

[IA No. 252857/2024 - ADDITION / DELETION / MODIFICATION PARTIES
IA No. 106555/2019 - EXEMPTION FROM FILING O.T.
IA No. 114655/2024 - EXEMPTION FROM FILING O.T.
IA No. 108417/2022 - EXEMPTION FROM FILING O.T.
IA No. 114654/2024 - INTERVENTION APPLICATION
IA No. 106554/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 108414/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES]

Date : 08-10-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE MANMOHANFor Appellant(s) : Mr. Ashok Mathur, AOR
Ms. Mukti Choudhary, Adv.
Mr. Surbhit Nandan, Adv.For Respondent(s) : Mr. P. S. Baghel, Sr. Adv.
Mr. Parijat Sinha, AOR
Mr. Mohit Kumar, Adv.
Mr. Divyam Dhyani, Adv.
Ms. Reshmi Rea Sinha, Adv.
Ms. Pallaj Bhagat, Adv.
Mr. Deepak Joshi, Adv.
Dr. Sanjay Sharma, Adv.Mr. Gaurav Agarwal, Sr. Adv.
Mr. Pranjit Bhattacharya, Adv.
Ms. Sutapa Saha, Adv.
Ms. Salonee Shukla, Adv.
Ms. Aashima Gautam, Adv.
Mr. Vaibhav Niti, AORMr. Yogendra Singh, Adv.
Mr. Ashish Sharma, Adv.
Mr. Ashish Kumar Pandey, Adv.

Mr. Ramjee Pandey, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. During the course of hearing the present appeal, it transpired that a civil suit was instituted on 14.09.1994 by Martand Singh challenging the trust deed allegedly executed by him on 25.11.1994. It was filed through his wife as it was claimed that Martand Singh was not keeping good health at that time. The aforesaid civil suit was decreed by the trial court vide judgment dated 09.09.2015 in Civil Case No.52A/2009. The trust deed was declared to be null and void.

2. The appeal filed by some of the trustees in the trust, bearing Regular Civil Appeal No.43-A/2016 was dismissed by the District Judge, Rewa vide judgment dated 09.12.2020.

3. Second Appeal No.166/2021 challenging the aforesaid judgment and decree of the District Judge, Rewa is stated to be pending before the High Court of Madhya Pradesh at Jabalpur, where no interim stay has been granted.

4. The issue in the present appeal is regarding grant of probate on the basis of a will dated 05.01.1993 allegedly executed by Martand Singh. Vide the aforesaid will, part of the

properties were assigned to the Trust which has been declared to be null and void vide the judgment referred to above in which second appeal is pending before the High Court.

5. At the decision in the Second Appeal No.166/2021 will have material bearing on the controversy in the present appeal, we request the High Court to take up and decide the same as expeditiously as possible, preferably by March 31, 2026.

6. At this stage, learned counsel for Respondent No.1 pointed out that all the three forts which are subject matter of dispute in the present appeal are more than 300 years old. On account of status quo directed by this Court, no repairs could be carried out. The forts being old and also being heritage property are at the risk of damage. They may be permitted to carry out repair works at their own cost and risk.

7. To this, learned counsel for the appellant, fairly submitted that insofar as repair of the forts is concerned, she has no objection.

8. Learned counsel for Respondent No.1 is permitted to carry out necessary repairs and maintenance of the three forts involved in the present litigation at their own cost and risk.

9. List the matter in the month of April 2026.

10. The Registry is directed to send a copy of this order to the Registrar General of the High Court of Madhya Pradesh at Jabalpur.

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(AKSHAY KUMAR BHORIA)
COURT MASTER (NSH)