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CONC-3883-2023

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PAVAN KUMAR DWIVEDI

ON THE 11<sup>th</sup> OF JULY, 2025CONTEMPT PETITION CIVIL No. 3883 of 2023*TEJUBAI**Versus**MADAN PAWAR*

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Appearance:

*Shri Ajay Jain, learned counsel for the petitioner.*

*Shri Jitendra Bharat Mehta, learned counsel for the respondent.*

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ORDER

The present contempt petition has been filed by the petitioner under Section 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India alleging violation of the order passed by this Court on 28/09/2020 in Second Appeal No.584/2003. The present contempt petition has been filed by one of the appellant against another appellant.

2. It is expedient to outline the background of the dispute for a better understanding of the facts which are stated as follows :

2.1 Smt. Raju Bai filed civil suit No.34-A/1997. Upon her death, her legal representatives were substituted as plaintiffs in the suit. The said civil suit was filed by Smt. Raju Bai claiming that the plaintiffs and the defendants were members of a Hindu Undivided Family.

2.2 It was stated in the plaint that one late Shri Poonamchand had two wives : one, late Smt. Geetabai, from whom he had only one daughter, Smt.



Raju Bai; and another, Smt. Kalabai, from whom he had two sons Kalu, Madan and four daughters Tejubai, Kamubai, Dhankuwarbai and Manjubai.

2.3 After the death of Late Shri Poonamchand, certain disputes arose among the aforementioned persons which led to the filing of said Civil Suit No.34-A/1997 by Late Smt. Raju Bai. The said suit was partly decreed by the Civil Court *vide* judgement and degree dated 31.03.1999.

2.4 Being aggrieved by the same, the original defendants filed Civil Appeal No.46-A/2003, which was dismissed *vide* judgement and decree dated 04.09.2003 thereby affirming the judgment and decree of the trial Court with costs.

2.5 Being further aggrieved by the judgement and degree of the first appellate court, the original defendants filed Second Appeal No.584/2003 in which the parties to the present contempt petition are appellant No.7 (the present petitioner) and appellant No.2 (the present respondent).

2.6 As such, the present contempt petition is a contest between two co-appellants. It appears from the record of the second appeal, which has been connected with the present contempt petition for reference, that an application for stay on the execution of the judgement and decree was initially filed. On 28.03.2019, the following order was passed by this court :

*"Till the next date of hearing, in order to protect the interest till the IA is heard, it is directed that the decree under challenge will not be executed if the same has not been executed till now."*

2.7 It appears from the record of the Second Appeal that on 17.09.2020, I.A. No.2857 of 2020, an application for urgent hearing was filed by the counsel for the respondents. Along with the said application,



another application was also filed by the respondents under Order 39 Rule 1 and 2 of CPC. In the said application, following interim relief was sought by the respondents :

*"It is therefore humbly prayed that till the final disposal of the appeal appellant's may kindly be restrained from selling, transfer, change the nature, construct, sell, alienate, enter into agreement to sell or transfer by any other mode, create charge mortgage on the suit property and to maintain status quo."*

2.8 After the filing of the above applications, the case was listed on 14.11.2019, on which date the following order was passed :

*" The parties are directed to maintain status quo. "*

2.9 The second appeal was subsequently listed on various dates but was adjourned due to the death of appellant No.1, as reflected in the order-sheet dated 06.02.2020.

2.10 The second appeal was taken up for consideration on 28.09.2020, on which date following order was passed by this court :

*"There is already an order dated 14/11/2019 directing the parties to maintain status-quo and, therefore, keeping in view the aforesaid order, till the next date of hearing, no sale deed shall be executed by the appellant."*

2.11 It appears from the above facts that the respondents filed an application to restrain the appellants from alienating the suit property. When the counsel for the appellants prayed for time, an order was passed on 28.09.2020 stating that *"till the next date of hearing, no sale deed shall be executed by the appellant."*

2.12 On the next date of hearing, i.e. on 10.11.2020, the court considered I.A. No.3276 of 2020, which pertains to the death of appellant



No.1 Smt. Kalabai. The interim relief granted on 28.09.2020 was not extended. Again, on the subsequent date, i.e. 10.07.2021, there was no reference to the interim relief granted on 28.09.2020.

2.13 The matter remained pending without any further progress. Ultimately, on 15.02.2021, I.A. No.1301 of 2021, under Order 23 Rule 3 of the Code of Civil Procedure, 1908 was filed for placing the compromise entered into amongst the parties on record.

2.14 In the said application, it was mentioned that respondents No.2 to 4, who are the legal representatives of the plaintiff, would be satisfied upon receipt of Rs.35 Lakhs and that they relinquished all their rights, title and interests in suit properties.

2.15 It is further stated that the payment of Rs.35 Lakhs was made to the said respondents in the second appeal. The said I.A. was once considered in the Lok Adalat on 10.07.2021, however, it was observed in the order that respondent No.1 had been missing for several years and the parties were unaware as to whether he was alive or dead.

2.16 In view of the same, the court observed that no order could be passed in the Lok Adalat on the compromise application. Consequently, the said application remained pending before the Court.

2.17 In the meanwhile, appellant No.2 executed a sale deed dated 21.03.2020 in favour of a third party. The present contempt petition has been filed by appellant No.7 alleging non-compliance of the interim order dated 28.09.2020, in view of the execution of the said sale deed by appellant No.2.

2.18 The contempt petition simply contends that on 14.11.2019, the



parties were directed to maintain status quo and later *vide* order dated 28.09.2020 this court directed that no sale deed shall be executed by the respondents / appellants. In spite of the specific order passed by this court, the respondents sold the disputed land, which clearly amounts to wilful disobedience of the order passed by this court.

2.19 As such, the co-appellant, who until the filing of the contempt petition, had no grievance regarding the alienation of the suit property and had never filed any application for restraining any of the parties from executing a sale deed has now suddenly alleged violation of the interim order passed by this court, without stating how her interests have been affected or how she is aggrieved, particularly when she is a co-appellant of the very person, who executed the sale deed, as mentioned above.

2.20 It is clear from the facts that the order restraining execution of the sale deed was passed pursuant to an application filed by the respondents.

3. Learned counsel for the petitioner contends that there was a clear direction by this court to the appellants not to execute any sale deed and that such direction has been breached. Therefore, according to him, this is a clear case of contempt. In support of his contention, he placed reliance on the order passed by the Hon'ble Apex Court in the case of *Food Corporation of India vs. Sukh Deo Prasad* reported in (2009) 5 SCC 665.

3.1 By referring to para 38 of the said order, he submits that although the order dated 28.09.2020 was passed pursuant to an application filed under Order 39 Rule 1 and 2 of the CPC, the present contempt petition under Section 12 of Contempt of Court Act read with Article 215 of Constitution



of India is maintainable. He argues that proceedings under Order 39 Rule 2A of the CPC are akin to proceedings for civil contempt under the Contempt of Courts Act, 1971. Thus, he asserts that the respondents should be punished for violating the order passed by this court.

4. Per contra, learned counsel for the respondent specifically points out that a compromise was entered into, as reflected in I.A. No.1301 of 2021, which was filed in Second Appeal No.584/2003. He submits that respondent/appellant No.2 was under the *bonafide* belief that the second appeal had been disposed of. He refers to the order passed by the second appellate Court on 10.07.2021 and submits that the compromise application could not be acted upon solely because respondent No.1 had been missing for several years. He further submits that the present application by co-appellant No.7 / petitioner is an act of blackmail, as she now seeks a share of the sale consideration.

4.1 He points out that even during the compromise proceedings, the entire amount was paid by the present respondent and one other person; nothing was paid by the petitioner/appellant No.7. He contends that although the sale deed was executed, it was done under the bonafide belief that the dispute had been resolved and that the second appeal stood disposed of.

4.2 He submits that respondent/appellant No 2 is an illiterate person, a rustic villager with limited understanding of legal procedure and that once the application for compromise was filed with the signatures of all the available parties (except respondent No.1), he genuinely believed that the second appeal had concluded. Accordingly, he proceeded to execute the sale



dead.

4.3 Finally, learned counsel for the respondent submits that the present application filed by the petitioner / co-appellant in the second appeal is not maintainable. In support of his submission, he too relies on the same judgement in the case of *Food Corporation of India (Supra)*.

4.4 By referring to paras 16(ii), 26 and 31 of the same judgment, he submits that the present petitioner has no *locus standi* to maintain the contempt petition.

4.5 Apart from the above contentions, learned counsel for the respondent also tendered his unconditional apology and referred to para 1 of his reply, wherein it is stated without prejudice that the respondent submits his unconditional apology before the Court.

5. Heard the learned counsel for the respective parties and perused the record.

6. The petitioner and respondent are real sister and brother. The original dispute in the civil suit was with Smt.Rajubai, who was the daughter from the other wife of the father of the present parties. She filed a civil suit claiming her share in the properties of their father. The suit was partly decreed and that decree was affirmed by the First Appellate Court. Consequently, the second appeal came before this Court.

7. In the second appeal, an application for stay on the execution of the judgment and decree was filed by the appellant, pursuant to which a series of interim orders were passed. Subsequently, an application was filed by the respondent, alleging that the appellants were attempting to alienate the



property. Based on this, an order dated 14.11.2019 was passed, followed by another order dated 28.09.2020, thereby restraining the appellants from executing any sale deeds (at the request of the respondent in the second appeal).

8. Subsequent to the said order, a compromise was entered into, and I.A. No.1301 of 2021 was filed, thereby settling the dispute among the parties. The respondent was satisfied with a total amount of Rs.35 Lakhs, which is stated to have been paid to them, as per the said I.A. itself, bearing the signatures of all the respondents and all the appellants, including the present petitioner (appellant No.7) and present respondent (appellant No.2).

9. It is thus clear that, until this point, there was no dispute among the appellants, significantly, appellant No.7 had not requested an injunction against the co-appellants from alienating the suit property in any manner. It was only after the execution of the sale deed that the appellant suddenly felt aggrieved and hence, this contempt petition has been filed.

10. The Hon'ble Apex Court in the case of **Food Corporation of India (Supra)** in para 16 framed the following question 16(ii) :

*"16(ii). Whether the respondent, who was the first defendant in the mortgage suit filed by the bank, could maintain an application under order 39 Rule 2A of the Code for the alleged disobedience by FCI (a co-defendant), of the order dated 27.5.1996 made in an application filed by the plaintiff bank?"*

11. The said question was answered by the Hon'ble Apex Court in para 26 in the following terms :

*"26. Even otherwise, the respondent had no locus to file an application under Order 39 Rule 2A alleging disobedience of the order dated 27.5.1996. The plaintiff bank which filed the*





*application dated 12.1.1996 on which the said order dated 27.5.1996 was passed, did not complain of any disobedience or breach of the order dated 27.5.1996, nor sought any action or relief against FCI alleging non-compliance or disobedience of the order dated 27.5.1996. As the interim order dated 27.5.1996 was not made on an application made by the respondent and as the interim order was not intended for the benefit to the respondent who was the first defendant in the suit, he could not be said to be a person aggrieved by the alleged disobedience or breach of the order dated 27.5.1996."*

12. If the facts of the present case are examined in light of the law laid down by the Hon'ble Apex Court, it becomes evident that the interim order was not intended for the benefit of the co-appellant, but rather for the benefit of the respondent in the second appeal. Even in the present case, the co-appellant (i.e. the present petitioner) cannot be said to be an aggrieved person, as there is not even a whisper in the contempt petition regarding how her rights have been affected by sale of the disputed property.

13. Contempt jurisdiction cannot be invoked to enforce unrelated directions or orders that originally had no bearing on the party raising the contempt issue.

14. During the arguments, learned counsel for the respondent pointed out that the present proceedings are nothing but an attempt to blackmail the respondent / appellant No.2, as the petitioner intends to obtain a portion of the sale consideration from appellant No.2.

15. The contention of the respondent appears to be valid. The present contempt petition by co-appellant No.7 against appellant No.2, without clearly stating any genuine grievance, indeed appears to stem from some ulterior motive.

16. The explanation tendered by the respondent, by referring to I.A.



No.1301 of 2021, an application for compromise between the parties filed under Order 23 Rule 3 of the CPC and the subsequent circumstances under which the sale deed was executed, sufficiently explains the conduct of the respondent.

17. Thus, this Court is of the considered view that there was no wilful or deliberate violation of the order by the respondent through the execution of the sale deed particularly in relation to the present petitioner (appellant No.7).

18. In these circumstances, this Court does not find any merit in the contentions raised by the petitioner. The present petition is devoid of substance and is accordingly dismissed.

No order as to costs.

**(PAVAN KUMAR DWIVEDI)**  
**JUDGE**

Anushree