

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

**CIVIL APPEAL NO(S). /2026
@ SPECIAL LEAVE PETITION (CIVIL) NO.18301/2017**

SCINDIA DEVESTHAN TRUST

APPELLANT

VERSUS

JAMUNA PRASAD SARASWAT (DEAD) THROUGH LRS. & ORS.

RESPONDENTS

O R D E R

1. Heard.
2. Leave granted.
3. Respondent Nos.1, 1.1 to 1.3 are served and unrepresented. Respondent Nos.2 to 8 are proforma respondents who are undisputedly the plaintiffs before the Court and as such notice stands dispensed with.
4. By the impugned order, the application filed under Order VII Rule 11 of the Civil Procedure Code, 1908 ("CPC") filed by the

respondents - defendants contending that the appellant - plaintiff - trust is not registered under the M.P. Public Trust Act, 1951, therefore, it is not entitled to claim exemption in terms of notification issued under Section 3(2) of the M.P. Accommodation Control Act, 1961 and as such suit is not maintainable came to be accepted and as such the unsuccessful plaintiff - trust is before this Court.

5. We have heard the arguments of learned Senior Counsel appearing for the appellant.

6. As noticed hereinabove, respondents Nos.1, 1.1 to 1.3 who are served are unrepresented and as such the matter has been processed by the Registry for being listed, since this is a direction matter and the present appeal is of the year 2017 and the original eviction proceedings relates to year 2010. Hence, we are of the considered view that keeping this matter further pending would only add saga to the ordeal already being undergone by the appellant - trust. Hence, we have heard the learned Senior Counsel appearing for the appellant and we are disposing of this appeal on merits as it involves a short point, namely,

“whether the plaintiff was not entitled to claim exemption in terms of Section 3(2) of the M.P.

Accommodation Control Act, 1961?"

7. An Eviction Petition came to be filed by the appellant - trust against original respondent No.1 (not represented by the legal representatives; respondent Nos.1.1 to 1.3) for eviction and arrears of rent raising various grounds as more fully stated in the plaint (Annexure - P-3). On service of suit summons, defendants appeared, filed their written statement, denied the averments made in the plaint and during the course of the pendency of the proceedings, they filed an application under Order VII Rule 11 CPC for rejection of the plaint contending *inter alia* that the plaintiff - trust is a public trust declared by notification dated 04.07.1968 issued under sub-section (2) of Section 36 of M.P. Public Trust Act, 1951 and the property of the plaintiff - trust, namely, the suit schedule property is situated outside the State where it is registered, exemption from all such provisions of the M.P. Accommodation Control Act, 1961 was given, which was cancelled by the Government of Madhya Pradesh by notification dated 18.09.1971 which has been challenged by the plaintiff - trust before the High Court in M.P. No.35/1972 and the said notification came to be maintained by the judgment dated 25.04.1973 and this

order has not been challenged by plaintiff - trust and same has attained finality. It was contended that Section 3(2) of the M.P. Accommodation Control Act, 1961 provides for granting exemption from all Sections or from any sub-section to such educational institutions, religious or society and in exercise of such power, the State Government by notification dated 07.09.1989 under the M.P. Public Trust Act, 1951 have declared educational, religious or proposed proposal having been registered having all places of ownership of public trust has declared as exempted from such act. Hence, contending when plaintiff - trust is not registered under the M.P. Trust Act, 1951 and as such is not entitled for exemption under the provisions of M.P. Accommodation Control Act, 1961 and by relying upon the notification dated 07.07.1989, the application came to be filed for rejection of plaint.

8. The learned trial judge by the order dated 19.03.2012 dismissed the said application. The revision filed assailing the said order by the defendants resulted in Revision Petition being allowed by the impugned order dated 06.04.2017, I.A. No.6467/2020 has been filed enclosing therewith notification dated 12.07.2018. Perusal of the same would indicate that said notification is issued in exercise of the power conferred under sub-section (2) of Section

3 of the M.P. Accommodation Control Act, 1961, and it was in continuation of the notification dated 07.07.1989 which had been relied upon by the defendants. Under the notification dated 12.07.2018, the State Government has exempted any accommodation situated in the State of Madhya Pradesh owned by the public trust registered in "other States of the Republic of India for educational, religious or charitable purposes from all the provision of the said Act". In the light of the subsequent notification dated 02.07.2018 which was in continuation to the earlier notification dated 07.07.1989, the finding of the High Court under the impugned order that the notification dated 07.07.1989 would bar the suits being prosecuted by the trust which are registered outside the State of Madhya Pradesh would not hold water. On this short ground itself, the impugned order is liable to be set aside and accordingly, it is set aside and the matter stands remitted to the jurisdictional Court for being disposed of on merits and in accordance with the law.

9. In the facts and circumstances of the present case, the aforestated order has been passed keeping open all other contentions of both parties for being adjudicated. We also make it clear that the respondents though served and unrepresented, it

would be incumbent upon the trial court to issue notice afresh to the respondents - defendants before proceeding with the trial and only after effecting such service of notice or holding service of notice valid, the suit can be proceeded with and not otherwise.

10. With the aforesaid observations, the appeal is allowed and the impugned order stands set aside. No order as to costs. All pending applications stand consigned to records.

.....J.
(ARAVIND KUMAR)

.....J.
(PRASANNA B. VARALE)

NEW DELHI;
MARCH 19, 2026.

ITEM NO.31

COURT NO.16

REVISED
SECTION IV-C

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

Petition(s) for Special Leave to Appeal (C) No(s).18301/2017

[Arising out of impugned final judgment and order dated 06-04-2017 in CR No.109/2012 passed by the High Court of Madhya Pradesh at Gwalior]

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Petitioner(s)

VERSUS

JAMUNA PRASAD SARASWAT (DEAD) THROUGH LRS. & ORS.

Respondent(s)

IA No. 6467/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 19-03-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : M/S. Karanjawala & Co., AOR
Mr. N.k. Mody, Sr. Adv.
Mr. Arjun Sharma, Adv.
Mr. Pranav Garg, Adv.
Ms. Simran Kaur, Adv.
Ms. Ishita M. Puranik, Adv.

For Respondent(s) :

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

1. Heard.
2. Leave granted.

3. The appeal stands allowed in terms of the signed order placed on the file. No order as to costs. All pending applications stand consigned to records.

(NEHA GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

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