

**IN THE HIGH COURT OF MADHYA PRADESH
A T J A B A L P U R**

BEFORE

HON'BLE SHRI JUSTICE VIVEK JAIN

FIRST APPEAL NO.556 of 1996

SMT. SARWAT JAHAN BEGAM

Versus

THE STATE OF M.P. & OTHERS

Appearance:

Shri Ankit Saxena – Advocate for appellant.

*Shri Aditya Choubey – Government Advocate with Shri K.K. Gautam
– Panel Lawyer for respondents/State.*

J U D G M E N T

(Reserved on 24.06.2026)

(Pronounced on: 04.08.2026)

The present appeal under Section 96 of the Code of Civil Procedure has been filed by the plaintiff challenging the judgment and decree dated 31.08.1996 passed by the trial Court of Ist Additional District Judge, Bhopal (MP) in Civil Suit No.72/A/89, whereby the suit for declaration of title and permanent injunction against the State has been dismissed. In the said suit, prayer was also made for recovery of possession of part of property which was stated to be in illegal possession of the respondents/State.

2. The necessary facts for the purpose of disposal of this appeal are that a suit has been filed by the deceased plaintiff namely Smt. Sarwat Jahan Begam on the assertion that she is owner and in possession of the suit property, bearing Survey No.2490 area 24960 square feet situated at Idgah Hills, near Kaisar Bungalow, Bhopal. It was stated by her that the said property was gifted to the plaintiff from her mother-in-law Smt. Nazma Begam by way of oral Hiba in the year 1971. It was further stated that the plaintiff has sold certain plots to different purchasers, but on the remaining land she had an intention to construct a building and, therefore, obtained no objection certificate from the Nazul Department. The office of the Public Works Department is just adjacent to plaintiff's remaining open land, however, the Public Works Department has illegally encroached upon some portion of the property which was vacant land attached to the bungalow. It was contended that the defendants/PWD Department of the State has constructed some sheds etc. in the land which is on the portion of 21 x 61 feet. On these assertions, she pleaded that her title be declared on the property and the illegal construction put up by the respondents/defendants be demolished and she be given vacant possession of the portion under encroachment of the defendants and further permanent and prohibitory

injunction be granted against the defendants restraining them from entering into or interfering in the possession of the plaintiff in perpetuity. The said suit was filed on 30.05.1989 and thereafter evidence of the parties was recorded and in the course of evidence, the plaintiff stated that the source of title is that the name of her father-in-law was Badre Alam who was son of one Meher Parwar Sultan popularly known as “Kokobia” who was elder sister of Shahbano Memuna Sultan, who was wife of Ex-Ruler of Bhopal State namely Nawab Hamidullah Khan. Nawab Hamidullah Khan had given the bungalow and attached land to Kokobia *alias* Mehar Parwar Sultan being the elder sister of his wife and the son of Kokobia *alias* Meher Parwar Sultan was Badre Alam and the plaintiff is daughter-in-law of Badre Alam. On these assertions, the source of title was asserted and it was contended that declaration be granted and relief of recovery of possession of the portion under encroachment be given and further relief of permanent exemption be granted.

3. The plaintiff relied on various documents to prove the aforesaid case of the plaintiff but ultimately the suit was dismissed by the trial Court holding that the plaintiff has proved her title to the suit property

and, therefore, the suit has been dismissed against which the plaintiff is before this Court in appeal.

4. Learned counsel for the plaintiff has vehemently argued that the suit was founded on Ex.P-29 and as per Ex.P-29, the bungalow and land was given to Mehar Parwar Sultan sometime in the year 1931. The said document has been disbelieved by the trial Court only on the ground that the said document does not contain any seal of the Ruler or the Secretary of erstwhile princely State/Bhopal, or any other person of the concerned Department of Bhopal State. It is a document written on plain paper and illegible signatures do not contain the name or designation of the authority that has marked the said signatures. Therefore, the said document cannot be taken into consideration to prove the title of the plaintiff.

5. Learned counsel for the appellant argues that during the course of hearing of the suit various substantial documents could not have been placed on record and various such documents have been placed on record along with a number of applications under Order 41 Rule 27 CPC which have been filed before this Court from time to time during the period this appeal has been pending before this Court in the last 30 years. It is argued that one application is IA No.2977/2015 and along

with the said application the plaintiff has filed merger agreement between Bhopal State and the Government of India as per which a list of private properties of the Ex-Ruler of Bhopal is given. The bungalow in question falls at serial No.6 of the list of private properties of His Highness Nawab Mohammad Hamidullah Khan personally. Therefore, it is clear that in this property the State had no right, title or interest. This document was not available with the plaintiff at the time of hearing of the suit and this document be taken into consideration in appeal or the matter be remanded back to the trial Court to take evidence as to this document and to decide the suit afresh.

6. Further reliance is placed on documents filed along with IA No. 1150 of 2002 which is also an application under Order 41 Rule 27 CPC along with which the Nikahnama of plaintiff has been placed on record to prove the fact that the plaintiff is wife of Tariq Alam who was the son of Badre Alam and, therefore, the line of genealogy is sought to be established by this Nikahnama. Along with this IA another document has been placed on record, which is a document dated 28.11.1938 written in Urdu along with its Hindi translation, as per which Mehar Parwar Sultan has been granted some land at Bhopal for the purpose of residence and is stated to be signed by Secretary, Robkari Khas, Bhopal

State. It is argued that this document duly cures the defects in Ex.P-29 which was filed before the trial Court and therefore, the matter can be remanded back to the trial Court to take evidence as to this document dated 28.11.1938 and also the Nikahnama dated 22.05.1958 which would prove the source of title as well as the genealogy of the plaintiff.

7. The learned counsel for the appellant has also argued that in this appeal, an application for amendment in plaint has been filed under Order 6 Rule 17 CPC to further clarify the genealogy of the plaintiff and this application be allowed and since this application is *bona fide* in nature, therefore, after allowing this application for amendment in the plaint, the matter be remanded back to the trial Court for adjudication afresh.

8. It is argued that since the matter involves consideration of very old documents some of which could not be caught hold by the appellant/plaintiff at the time of adjudication of the suit, therefore, these documents being material and substantial in nature, be taken into consideration and the matter be remanded back to the trial Court for proving the said documents and deciding the suit afresh on the basis of such documents.

9. *Per contra*, it is contended by learned counsel for the State that the source of title of the appellant is utterly shrouded in mystery and even the genealogy is shrouded in mystery. The plaintiff/appellant nowhere in the pleadings has clear cut mentioned that her father-in-law Badre Alam was son of Mehar Parwar Sultan. There is no clear assertion even in the plaint or even in the amendment application. Though during the course of deposition before the trial Court, the original plaintiff stated that her father-in-law namely Badre Alam was the son of Mehar Parwar Sultan *alias* Kokobia but there is no pleading to that effect and even in the application under Order 6 Rule 17 CPC, the plaintiff has stopped short of mentioning in clear terms that Badre Alam was the son of Kokobia *alias* Mehar Parwar Sultan. Only one ambiguous genealogy chart has been typed in the said application. It is further argued that even if the grant order Ex.P-29 so also the document dated 28.11.1938 sought to be relied along with the application under Order 41 Rule 27 CPC is accepted at its face value, even then the status of Kokobia *alias* Mehar Parwar Sultan would only be of licensee who has been given the bungalow for residential purpose. It is argued that it has come on record in evidence that Badre Alam was Collector of a District under Bhopal State and the bungalow was given for residence

of the said person as Collector. Now the said person has started claiming rights through some persons of royal family of erstwhile Bhopal State and have started stressing their title on the property though it was just a bungalow given to the then Collector for residential purposes and he was Collector of a District within the erstwhile Bhopal State.

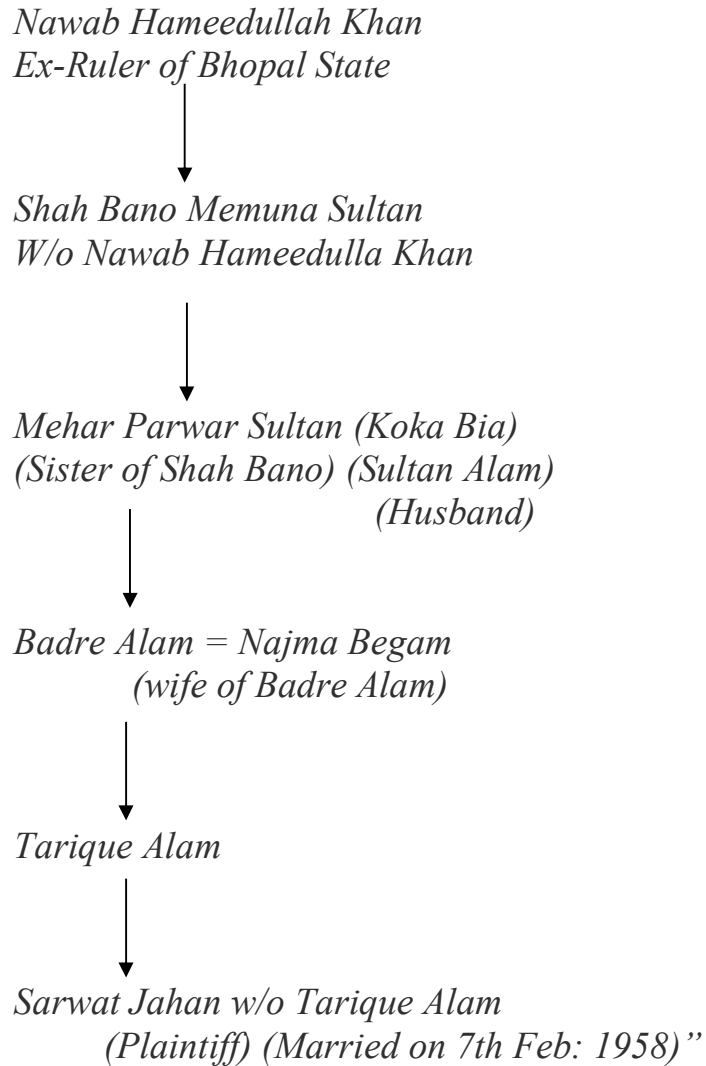
10. This Court has heard learned counsel for the rival parties at length and perused the record.

11. The suit had been filed by the plaintiff, namely Smt. Sarwar Jahan Begam on the assertion that she has succeeded the property by oral Hiba of her mother-in-law, namely, Smt. Nazma Begam, wife of Badre Alam. She did not state any source of title of Badre Alam and no any relationship of Badre Alam with the erstwhile Ruler of Bhopal or any relative of Ruler of Bhopal was pleaded in the plaint. However, when she entered the witness box, then the plaintiff stated that the name of her father-in-law was Badre Alam who was son of elder sister of Shahbano Memuna Sultan, who was the wife of the then Ruler of Bhopal. It was stated by her that the then Ruler had gifted the house along with attached land to Mehar Parwar Sultan being the sister of his wife and the survey number of land

is 2490. However, there is no pleading anywhere in the plaint that Badre Alam was in any manner related to the wife of Ex Ruler of Bhopal or the sister of wife of Ex Ruler of Bhopal. The said portion of the deposition of plaintiff was put to cross-examination and in paragraph 11 of her deposition, she stated that after the plaint had been written, it was read out to her, but she cannot state the reason that why the relationship of Badre Alam with the then Ruler of Bhopal has not been pleaded in the plaint. She denied the suggestion that Kokobia *alias* Meher Parwar Sultan and Memuna Sultan were not related to the plaintiff.

12. In the plaint there is no genealogy of Badre Alam to project his relationship to the then Ruler of Bhopal. The genealogy is absent in plaint, but in the application for amendment in plaint filed before this Court on 30.08.2001, a genealogy has been mentioned. As per this genealogy, Badre Alam has been mentioned to be son of Mehar Parwar Sultan and her husband Sultan Alam. Apart from this, there is no whisper in the suit, that what is the source of title of Badre Alam. The genealogy sought to be inserted by way of amendment application is as under:-

"3(a) The following is the genealogy of the parties.



13. From the aforesaid genealogy, it is sought to be mentioned that Badre Alam was the son of Mehtar Parwar Sultan, who was sister of Shah Bano Memuna Sultan, the wife of Ex-Ruler of Bhopal. The original ancestor is named as Nawab Hameedullah Khan, who was the Ex-Ruler of Bhopal State and beneath him the name of these two ladies

is mentioned who are real sisters and beneath that the name of Badre Alam is mentioned without mentioning that from whom Badre Alam has been descended, i.e. either from Memuna Sultan or from Mehar Parwar Sultan and her husband Sultan Alam. From this genealogy, it appears that the plaintiff now claims to be direct descendant of Nawab Hamidullah Khan, the Ex-Ruler of Bhopal, though no clear assertion is made anywhere else in the amendment.

14. During the course of arguments on 24.6.2026, the counsel for the appellant had uploaded a synopsis of the case in the reference section of digital file and also provided a photocopy of that synopsis across the Bar to this Court. In the said synopsis, the family tree has been mentioned wherein Badre Alam is mentioned as son of Shahbano Memuna Sultan, wife of Ex-Ruler. Therefore, now the plaintiff claims that Badre Alam was in fact the son of the then Ruler of Bhopal, which was never the case in the plaint nor in the statement of the original plaintiff. When this Court pointed out this fact to the counsel for appellant during the course of hearing, then counsel for appellant categorically replied to this Court that the plaintiff now claims that Badre Alam was the son of then Ruler of Bhopal and all earlier

pleadings contrary to that effect are erroneous. He stated that he is having instructions to argue the appeal in this manner by the legal representatives. This was so stated despite the position that it was pointed out to learned counsel that in the deposition, original plaintiff had stated Badre Alam to be son of Sultan Alam and Mehar parwar Sultan (Koka Bia).

15. After the case was reserved for judgment, the synopsis initially filed has been deleted and a new synopsis has been uploaded and this time mentioning Badre Alam to be son of Mehar Parwar Sultan. This Court has called for information from IT Section, and as per the said information, the First Synopsis was uploaded at 15:44:29 on 24.6.2026. It was deleted at 20:11:39 on same date, i.e. 24.6.2026. Then second Synopsis was uploaded at 20:12:05 on 24.6.2026. The deleted file has been retrieved by the IT Cell, and a hard copy thereof was also supplied to this Court across the bar at time of hearing. Front pages of these two synopses are as under:-

A. The Synopsis uploaded at 15:44:29 but deleted at 20:11:39 on same date, on 24.6.2026, and relied before the Court at time of hearing had the following chart : -

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

APPELLANT - **FA No.556/1996** SARWAT JAHAN BEGUM
VERSUS
RESPONDENT - State of M.P.

SYNOPSIS

FAMILY TREE/HEIRACHY

NAWAB HAMEEDULLAH KHAN(Ex- Ruler of Bhopal State)
WIFE- SHAHBANO MEMUNA SULTAN
↓
MEHAR PERWAR SULTAN(KOKOBIA)
(SISTER OF SAHABANO MEMUNA SULTAN)
↓
BADRE ALAM
(COLLECTOR RAISEN AND SON OF SAHABANO MEMUNA)
↓
TARIQ ALAM
(SON OF BADRE ALAM)
↓
SARWAT JAHAN
(wife of TARIQ ALAM)
↓
JAVED ALAM(SON OF TARIQ ALAM)
↓
JASIR AND SHAHROZ(SON OF JAVED ALAM)

B. The Synopsis uploaded at 20:12:05 on 24.6.2026, containing changed name of mother of Badre Alam :

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

APPELLANT - **FA No.556/1996** SARWAT JAHAN BEGUM
VERSUS
RESPONDENT - State of M.P.

SYNOPSIS

FAMILY TREE/HEIRACHY

NAWAB HAMEEDULLAH KHAN(Ex- Ruler of Bhopal State)
WIFE- SHAHBANO MEMUNA SULTAN
↓
MEHAR PERWAR SULTAN(KOKOBIA)
(SISTER OF SAHABANO MEMUNA SULTAN)
↓
BADRE ALAM
(COLLECTOR RAISEN AND SON OF MEHAR PARVAR SULTAN)
↓
TARIQ ALAM
(SON OF BADRE ALAM)
↓
SARWAT JAHAN
(wife of TARIQ ALAM)
↓
JAVED ALAM(SON OF TARIQ ALAM)
↓
JASIR AND SHAHROZ(SON OF JAVED ALAM)

16. The attempt by the appellant in first filing one synopsis of the case and arguing on the basis of that synopsis and after the case is reserved for judgment, then deleting that synopsis and filing another synopsis, changing their stand only shows the malicious intent of the appellant/plaintiff and nothing else. Though this is a direct attempt with obstruction with administration of justice but this Court refrains from taking any stern action in the matter, except from advising the counsel to desist from such mischievous acts in future.

17. Be that as it may be, there is no clear assertion in the application for amendment in plaint filed before this Court in the year 2001 that Badre Alam was the son of which of the two ladies. Even in the application for amendment, nothing has been mentioned that how the plaintiff is related to Badre Alam. The entire application for amendment is as under:-

*“IN THE HIGH COURT DE JUDICATURE AT
JABALPUR
First Appeal No.556/96*

*APPELLANT : Serwat Jahan.
PLAINTIFF*

Versus

*RESPONDENTS : State of M.P. and others.
DEFENDANTS*

APPLICATION UNDER ORDER 6 RULE 17, C.P.C.

In view of some material facts regarding the relationship of the appellant with her in-laws by virtue of which she is owner of suit house, The appellant wants to amend the plaint to following effect.

1. *Add the following as para (1)(a) in the plant:-*

"1(a) That the suit property was given to Mehar Perwar Sultan w/o Sultan Alam on 18.11.1931 by 'Inayatnana (grant) by Ex-Ruler Hameedulla Khan Nawab of Bhopal vide Ex.P.29 bearing khasra No.2488 to 2490 with the Bangalow known as 'Kaiser Banglow by which the full owner-ship was given to Mahar Parwer Sultan, the real sister of the wife of Ex-Ruler namely Shah Bano Memuna Sultan"

"Subsequently vide Inayatnana dated 28.11.1938 the old grant dt.19.11.1931 was confirmed and the entire property was given in the possession of Meher Perwar Sultan Saheba including the houses and property in Public Works Deptt. This grant bears the signature of Secretary "Khas of His Highness Nawab of Bhopal and bears the seal of the office."

2. *Add the following 1(B) in the plaint:-*

1.(B). That the affidavit of late Shah Bano Memuna Sultan proved as Ex.P-88 also supports the case of the plaintiff for the grant of grant made in respect of suit land in favour of her elder sister Mehar Parwar Sultan. For proof of the said document Shah Bano Memuna Sultan could not be examined to support the grant because the said lady was not alive at the time of evidence as she had died on 14.5.1982 and as such it was not possible to examine her"

3. *Add the following genealogy at the end of para 3(a) of the plaint:*

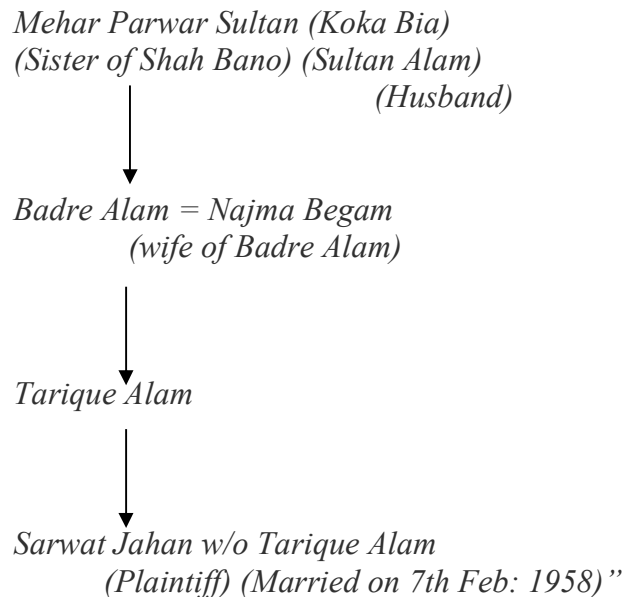
"3(a) The following is the genealogy of the parties.

*Nawab Hameedullah Khan
Ex-Ruler of Bhopal State*



*Shah Bano Memuna Sultan
W/o Nawab Hameedulla Khan*





4. *Add the existing para 3 as para 3(b) in the plant.*
5. *Add the following as para 4(b) treating existing para as 4(a) in the plaint.*

“4(b) By grant of No Objection Certificate does not mean that the plaintiff is not the owner of the property and the property cannot be treated as of Government. The N.O.C. is only required for mutation of the sold property in the name of the Vendees in the Nazul record”.

6. Add the following as para 5(b) treating the existing para 5 as 5(a) in the plaint:

"5(b) That it will not be out of way to mention that the suit land covers the Kaiser Bungalow and its surrounding land bears Revenue survey no.2470 with an area 24960 sq.ft. shown in para 1 of the plaint. The residential portion of the Kaiser bungalow is known as "Alam Lodge" because it was the private property of Mehar Parwar Sultan w/o Shah Alam. So the Kaiser Bungalow is also popularly known as "Alam Lodge" which is clear from various letters and notices were received in that name. So it cannot be said that Alam Lodge is some different building, and similarly the residence of Badre Alam the father in-law of the plaintiff cannot be called the land of late Nawab of Bhopal or Govt. land and it can not be treated as license given to late Badre Alam."

5.(c) *Add the following as para 5(c).*

“5(c) That the plaintiff and her in-laws having been in continuous possession of the ‘Kaser bungalow/Alam lodge and surrounding land are in possessory title since 1931 and have perfected their possessory title for over 60 years.

Moreover the plaintiff and her in-laws have perfected any defect in her title by law of adverse possession to the knowledge of the defendants.”

7. *That the amendment sought for is necessary for the proper decision of the case and it does not change the nature of the suit.*

PRAYER

It is, therefore, prayed that this Hon'ble Court may be pleased to allow the proposed amendment in the ends of justice.

JABALPUR

(A.S. USMANI)

DATED: 30-10-2001

COUNSEL FOR THE APPELLANT”

18. Therefore, it is clear that the plaintiff has been taking inconsistent stands before the trial Court and this Court at different points of time and there is no real document available with the plaintiff to establish the relation of Badre Alam with the sister of wife of Ex-Ruler of Bhopal. It seems to be that for this reason no clear assertion has been made either in the plaint or in the application for amendment and, therefore, it is not a fit case where this Court should remand the matter back to the trial Court only for the reason that an amendment application in plaint has been filed before this Court.

19. In the amendment application, a new pleading has been sought to be inserted, that the suit land covers “Kaiser Bungalow” also. This is

utterly contrary to the assertions made in the plaint, whereby in para-1, it was categorically mentioned that the suit property is “near” Kaiser Bungalow, Bhopal. This Para-1 also mentions the four boundaries of the suit land, and it is clearly mentioned that to the North, there is “Boundary wall of Kaiser Bungalow”. Even the plaint map clearly depicts that Kaiser Bungalow is to the North of the suit land. Therefore, the entire case is being attempted to be changed. Earlier, as per plaint, the suit land was projected to be a land separate from Kaiser Bungalow, and towards South of that Bungalow. Now only to connect the documents filed alongwith applications under Order 41 Rule 27 CPC, the suit description and identity of the suit property is being sought to be modified to be part of Kaiser Bungalow.

20. The plaintiffs had relied on document Ex.P-29 which seems to be a grant for residential purposes made to one Mehar Parwar Sultan. However, in the absence of pleading anything in clear terms regarding relation of the father-in-law of the plaintiff with Mehar Parwar Sultan, nothing turns on the basis of this document. Even otherwise, the trial Court has held that this document does not contain any seal of any competent authority of Bhopal State and furthermore even if this

document is taken at its face value, then it can at best be taken to be a license to reside in the premises and it is not a title document.

21. The plaintiff had tried to rely on an affidavit given by Late Shahbano Memuna Sultan who was the wife of Ex-Ruler of Bhopal in some other suit before the Fourth Additional District Judge, Bhopal and executed somewhere in June, 1981.

22. Even as per this affidavit Ex.P-88, though it is mentioned that one Badre Alam is the son of sister of this lady but in the same affidavit, it is stated that Badre Alam has only limited interest in the house and whatever interest Badre Alam was having has devolved on Tarique Alam (i.e. husband of the plaintiff) and further in para 9 it has been mentioned that neither Tarique Alam nor any other co-sharer is absolute owner of the disputed house. There is nothing to infer that this affidavit is in relation to same property which is the suit property in this case.

23. Even this affidavit was filed in some other proceedings, and nothing has been placed on record by the plaintiff that what ultimately, happened to the said suit that had been filed by one Shahzadi Amna Sultan.

24. Even the documents filed along with various applications under Order 41 Rule 27 CPC which is merger agreement would at the most

indicate that bungalow near Cambridge School at present occupied by Kokobia is the private property of the Ruler. However, no definite relationship with Kokobia has been pleaded by the plaintiff in the plaint, or even in the amendment application. Furthermore, as per Para-1 of the plaint and the plaint map, the property “Kaiser Bungalow” is to the North of the suit land, and there is no bungalow on the suit land.

25. So far as the Nikahnama is concerned, it may at the most indicate that the original plaintiff was the daughter-in-law of one Badre Alam. However, in absence of any specific pleading of relationship of Badre Alam with Mehar Parwar Sultan *alias* Kokobia, nothing can be deduced on the basis of said document and it is not a fit case to remand the matter back to the trial Court only on the strength of such documents filed along with application under Order 41 Rule 27 CPC.

26. The plaintiff, as already noted above, has been taking inconsistent stands as to the genealogy of Badre Alam and looking to such inconsistent stands of the plaintiff, this Court does not find any error in the impugned judgment of the trial Court in holding that no relationship with Mehar Parwar Sultan or Shahbano Memuna Sultan could be established by the plaintiff and no document of conferment of title to

any ancestor of the plaintiff could be conclusively established by the plaintiff.

27. In view of the foregoing, this Court is of the considered opinion that the trial Court committed no error in dismissing the plaintiff's suit by the impugned judgment. The documents sought to be filed with the application under Order 41 Rule 27 CPC do not advance the plaintiff's case. For the reasons stated above in detail, the application for amendment of the plaint is also rejected.

28. Before parting with the matter, it is necessary to issue certain directions regarding the manner in which the synopsis, on the basis of which the case was argued, was substituted by counsel after the matter had been reserved. The Registrar (I.T.) of this Court is directed to ensure that, henceforth, any document once uploaded by a party or counsel in the "reference" tab of the digital file cannot be deleted by any party or counsel, except with the specific permission of the Court. The information contained in the note-sheets dated 01.07.2026 and 02.07.2026, sent by the Registrar (I.T.) to this Court, shall form part of the record of this file.

29. Consequently, the appeal fails and is **dismissed**. The impugned judgment and decree of the Trial Court is confirmed.

(VIVEK JAIN)
JUDGE

psm