

**Court No. - 9**

**Case :-** CONTEMPT APPEAL No. - 6 of 2023

**Appellant :-** Kamla Nehru Memorial Trust Through Its Secretary And Anr.

**Respondent :-** Dr. Kripa Shankar Verma, Director/Secy. Board Of Governors, Kamla Nehru Inst. Of Tech. And Ors.

**Counsel for Appellant :-** Ram Raj, Rishabh Raj

**Counsel for Respondent :-** Lalit Shukla

**Hon'ble Attau Rahman Masoodi, J.**

**Hon'ble Manjive Shukla, J.**

1. Heard learned counsel for the appellants, Sri Lalit Shukla, learned counsel for the Opposite Party and learned A.G.A. for the State.
2. The Contempt Application (Civil) No. 1181 of 2014 came to be rejected by this Court vide order dated 24.04.2023.
3. Learned counsel for the appellants has argued that once the contempt proceedings were initiated by this Court in Contempt No. 1181 of 2014 vide order dated 3.07.2014 and ultimately Contempt Petition was rejected, the Contempt Appeal would be maintainable by virtue of Section 19 of the Contempt of Courts Act, 1971. The submission put forth for our consideration does not appeal to us.
4. The order dated 3.07.2014 has ultimately merged into the rejection order passed by the Contempt Court vide order dated 24.04.2023.
5. Rejection of the contempt proceedings by this Court, is not amenable to the appellate jurisdiction under Section 19 of the Contempt of Courts Act, 1971. The remedy available to the appellants is rather under Article 136 of the Constitution of India as held by Hon'ble Apex Court in the case of ***Midnapore Peoples' Coop. Bank Ltd. and Others Vs. Chunilal Nanda and Others*** reported in (2006) 5 SCC 399.
6. At this stage, learned counsel for the appellants has argued that an order passed by the Contempt Court, which exceeds from the scope of contempt jurisdiction is amenable to the appellate jurisdiction of this Court through a Letter Patent Appeal. Placing reliance upon the paragraph 10.5 of the ***Midnapore Peoples' Coop. Bank Ltd. (Supra)***, the aforesaid

submission has been made before us.

7. Without expressing any opinion on merits of the submission put forth by learned counsel for the parties, we leave it open to the appellant to avail remedy as may be permissible under law.

8. The present appeal is, accordingly, dismissed.

**Order Date :- 26.5.2023**

A. Mandhani