

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT APPEAL (STAMP) NO.21157 OF 2013
IN
CONTEMPT PETITION NO.308 OF 2012

Anwar Abdul Aziz Mahadevi

since deceased represented by

Mr. Kabir Anwar Mahadevi & ors.

..... Appellants

V/s

Mr. Baban Gyanba Balkawade & Ors.

..... Respondents

Mr. Vivek V. Salunke for the Appellants.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 22 JUNE 2016

ORDER:

1 By this Appeal under section 19 of the Contempt of Courts Act, 1971, the Appellants have challenged the order dated 13 June 2013 by which the learned Single Judge dismissed the Contempt Petition filed by the Petitioner seeking an action against the Respondents under the Contempt of Courts Act, 1971.

2 As far as the issue of maintainability of Appeal is concerned, the law is laid down by the Apex Court in the case of **Midnapore Peoples'**

Co-op. Bank Ltd. and others vs. Chunilal Nanda & Ors.¹ The Apex Court held that an order declining to initiate proceedings for Contempt or an order dropping proceedings for contempt is not appealable under section 19 of the Contempt of Courts Act, 1971. Therefore, the present Appeal is not maintainable and the same is disposed as not maintainable. However, it will be open for the Appellants to adopt appropriate remedy for challenging the order passed by the learned Single Judge in accordance with law.

(A.A. SAYED, J.)

(A.S. OKA, J.)

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¹ (2006) 5 SCC 399