

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1 OF 2015
IN
CONTEMPT APPEAL (ST) NO. 828 OF 2014
IN
CONTEMP PETITION NO. 359 OF 2013**

Mr. Raj Amarsingh Gulale (Singhania) ... Appellant
Vs
Mrs. S. D. Tulankar ... Respondent/Contemnor
...
None present for the applicant.

**CORAM : A. S. OKA & A. A. SAYED, JJ.
DATE : 21 JUNE, 2016.**

P.C. :

1. This application is made for restoration of contempt appeal preferred by the Applicant. Civil Application for condonation of delay in filing a Contempt Appeal was dismissed for non-prosecution.
2. The appeal purporting to be an appeal under Section 19 of the Contempt of Courts Act, 1971 is against the order of learned Single Judge dated 22nd October 2013 by which he declined to initiate action under the Contempt of Courts Act, 1971. The law laid

down by the Apex Court is very clear. An appeal under Section 19 of the said Act of 1971 against an order refusing the initiate action for contempt is not maintainable. One such decision is in the case of **Baradakanta Mishra V/s. Justice G. Mishra¹** . As the appeal is not maintainable, there is no question of restoration of the application for the condonation of delay in filing the appeal . Accordingly this application is rejected. However, remedy of the applicant against the impugned order is kept open.

(A. A. SAYED, J.)

(A. S. OKA, J.)

¹ [(1975) SCC 535]