

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Contempt Appeal No.15 of 2016

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The order, under appeal, is the order in C.C.No.2136 of 2016 dated 30.11.2016 wherein, while observing that if the respondent therein had taken any action on the representation of the petitioner dated 02.03.2016 the whole exercise would have been curtailed, the Learned Single Judge discharged the respondent-contemnor from the contempt proceedings imposing costs of Rs.15,000/- to be paid by her within one week from the date of the order. The respondent-contemnor has preferred this appeal under Section 19 of the Contempt of Courts Act, 1971 (for short "the Act") which provides for an appeal only against the order of the learned Single Judge in the exercise of his jurisdiction to punish for contempt.

As held by the Supreme Court in **Midnapore Peoples' Coop. Bank Ltd. vs. Chunilal Nanda**¹, an appeal under Section 19 of the Act is maintainable only against an order or decision of the High Court passed in the exercise of its jurisdiction to punish for contempt i.e. an order imposing punishment for contempt. Section 12 of the Act confers power on the Court to impose punishment with simple imprisonment for a term which may extend to six months or with fine which may extend to Rs.2,000/-, or with both. In the present case, the learned Single Judge has not imposed fine on the appellant herein, but had directed her to pay costs of Rs.15,000/-. The order of the learned Single Judge is not an order imposing punishment for contempt.

The Supreme Court, in **Midnapore Peoples' Coop. Bank Ltd.**¹, further held that the High Court could decide whether any contempt of court had been committed, and if so, what should be the punishment,

¹ (2006) 5 Supreme Court Cases 399

and matters incidental thereto. In the present case, the Learned Single Judge has not held that the appellant had committed contempt of Court. Consequently, an appeal under Section 19 of the Act would not lie.

The Supreme Court, in ***Midnapore Peoples' Coop. Bank Ltd.***¹, also held that any direction issued or decision made by High Court, on the merits of a dispute between the parties, can be questioned in an intra-court appeal. The Learned Single Judge directed the appellant to pay costs of Rs.15,000/-, after having recorded a finding that, if the appellant had taken any action on the representation of the petitioner therein dated 02.03.2016, the whole exercise would have curtailed. Such a finding on the merits of the dispute, and costs of Rs.15,000/- being imposed on her, may enable the appellant to prefer an intra-court appeal under Clause 15 of the Letters Patent. In the facts and circumstances of the present case, an appeal does not lie under Section 19 of the Act.

The Contempt Appeal is, therefore, closed. This order shall not preclude the appellant herein from availing her remedy of an intra-court appeal under Clause 15 of the Letters Patent. Registry shall forthwith return the copy, of the order under appeal, to Sri B.Narayana Reddy, learned Assistant Solicitor General, under due acknowledgement. Miscellaneous Petitions pending, if any, shall also stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

28th December, 2016
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THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
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Date: 28.12.2016

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