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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 598/2016

MANJEET SINGH

..... Appellant

Through: Mr.Azam Ansari, Adv. with appellant
in person.

Versus

SANT KAUR

..... Respondent

Through: None.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **02.11.2016**

C.M.No.40611/2016 (exemptions)

Allowed subject to all just exceptions.

LPA No.598/2016

1. By the order under appeal, the learned Single Judge dismissed the contempt case in *limine* holding as under:-

“A perusal of the order dated 26th August, 2015 reveals that the said suit was disposed of on the respondent-defendant’s undertaking that she would not dispossess the present petitioner from the suit property without following due process of law.

Neither the interim order dated 08th July, 2015 was extended nor incorporated in the statement/undertaking given by the respondent-defendant.

Consequently, the present contempt petition premised on the order dated 08th July, 2015 is not maintainable as it has ceased to operate after the final disposal of the suit on 26th August, 2015. Accordingly, present contempt petition is dismissed.”

2. Though it is vehemently contended by the learned counsel for the appellant that in the light of the decision of the Supreme Court in **Appeal (Civil) No.1727/2002** titled ***Midnapore Peoples' Co-op. Bank Ltd. & Ors. Vs. Chunilal Nanda & Ors.*** decided on 25.05.2006, an appeal under Clause 10 of the Letters Patent is maintainable, we are unable to agree.

3. In our considered opinion, the ratio laid down in ***Midnapore Peoples' Co-op. Bank Ltd. & Ors. (supra)*** that if the High Court decides or makes any direction relating to the merits of the dispute between the parties in a contempt proceedings, such an order is open to challenge in an intra court appeal, is not at all applicable to the case on hand since the learned Single Judge did not decide any issue on merits of the case while dismissing the contempt petition.

4. Hence, this Letters Patent Appeal is not maintainable and the same is, accordingly, dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 02, 2016
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