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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.APP.(C) 10/2015

PARMANAND LAL

..... Appellant

Through: Mr. Parmanand Lal, in person.

versus

M F FAROOQUI & ORS

..... Respondents

Through: Mr. Vivekanand Mishra with Mr.
Reshesh Mani Tripathi, Advocates for
Resp-2,3&4.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

02.02.2016

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The present appeal is directed against an order dismissing the contempt petition. The appeal is preferred under Section 19 (1) of the Contempt of Courts Act, 1971.

It appears to have escaped the notice of the Division Bench which took cognizance of the present appeal that the proceedings are *per se* not maintainable in view of the expressed language of the provision itself. Section 19 (1) states that an appeal lies when the High Court passes an order “in the exercise of its jurisdiction to punish for contempt”. Thus, it is only and only if an order punishing an individual for contempt is made, the appeal lies. This was clarified in *D.N. Taneja v. Bhajan Lal*, 1988 (3) SCC 26 in the following

terms: -

“As has been noticed earlier, an appeal will lie under [section 19\(1\)](#) of the Act only when the High Court makes an order or decision in exercise of its jurisdiction to punish for contempt. It is submitted on behalf of the respondent and, in our opinion rightly, that the High Court exercises its jurisdiction or power as conferred on it by [Article 215](#) of the Constitution when it imposes a punishment for contempt. When the High Court does not impose any punishment on the alleged contemnor, the High Court does not exercise its jurisdiction or power to punish for contempt. The jurisdiction of the High Court is to punish. When no punishment is imposed by the High Court, it is difficult to say that the High Court has exercised its jurisdiction or power as conferred on it by [Article 215](#) of the Constitution.”

For the above reasons, the appeal is not maintainable. However, it is open to the appellant to avail of other remedies as he may choose to under advise including but not limited to Letters Patent Appeal. The appeal is dismissed as withdrawn in the above terms.

Order dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

FEBRUARY 02, 2016

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