

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MA No. 11 of 2010**

- Raju Prasad Dewangan, S/o Late Shri Umed, aged about 35 years, R/o. Behind Jai Mauli Complex, Kali Nagar, Pandri, Raipur, District Raipur (C.G.)

**---- Appellant****Versus**

- M.K.Raut, Principal Secretary, State of Chhattisgarh, Public Works Department, D.K.S. Bhavan, Mantralaya, Raipur (C.G.)

**---- Respondent**


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For Appellant : Shri MK Dubey, Advocate

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**Hon'ble Shri Justice Prashant Kumar Mishra**  
**Hon'ble Shri Justice Arvind Singh Chandel**

**Order On Board By****Prashant Kumar Mishra, J****28/06/2017**

1. The present appeal under Section 19 (1) (a) of the Contempt of Courts Act, 1971 (for short 'the Act, 1971) challenging the order passed by the learned Single Judge dismissing the contempt petition on merits holding that it is not a case where the order of the Court has not been complied with or there is any willful disobedience in compliance of the order passed by the Court.
2. The appellate jurisdiction under Section 19 (1) of the Act, 1971 can be exercised only when the contempt Court exercises the jurisdiction to punish for contempt, therefore, when the contempt Court has refused to entertain the contempt application and refused to exercise jurisdiction to punish for contempt, no appeal shall lie against such order under Section 19 (1) of the Act, 1971. (See: **Baradakant Mishra Vs. Mr. Justice Gautikrushna**

**Misra, CJ of the Orrisa High Court<sup>1</sup>**, and also the decision of full Bench of this Court in **Anil Kumar Dubey Vs. Pradeep Kumar Shukla<sup>2</sup>**).

3. In view of the above, the appeal is dismissed as not maintainable.

Sd/-

Sd/-

Judge  
**Prashant Kumar Mishra**

Judge  
**Arvind Singh Chandel**

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<sup>1</sup> **AIR 1974 SC 2255**

<sup>2</sup> **MA No.45/2016, decided on 25.01.2017**