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

+ **CONT.APP.(C) 11/2018 and CM APPL. Nos.40635-636/2018**

SHAILESH PANDAY

..... Appellant

Through: Mr. Yadunandan Bansal and Mr. Amit
Kumar, Advocates.

versus

SHINDE DEEPAK ARJUN

..... Respondent

Through: Mr. G.D. Mishra, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **01.10.2018**

1. The present appeal has been filed by the appellant, who is aggrieved by an order dated 14.09.2018, passed by the learned Single Judge in **CONT. CAS(C) 698/2018** entitled Shailesh Panday Vs. Shinde Deepak Arjun.
2. We may note that by the impugned order dated 14.09.2018, learned Single Judge has dismissed the Contempt Case filed by the appellant, while imposing costs of Rs.20,000/- on him. It is also noteworthy that when the present appeal was filed by the appellant, the Registry had raised an objection with regard to its maintainability and the only explanation offered by learned counsel for the appellant was that costs of Rs.20,000/- have been imposed on the appellant and therefore the Contempt Appeal is maintainable.

3. In view of the provisions of Section 19 of the Contempt of Courts Act, 1971, we have requested learned counsel for the appellant to address us on the maintainability of the present appeal, keeping in mind the judicial *dicta* declared by the Supreme Court in **A.I.R. 2015 S.C. 1831** entitled Sujitendra Nath Singh Roy v. State of West Bengal.

4. Learned counsel for the appellant states that he may be permitted to withdraw the present appeal while reserving the right of the appellant to take his chances before the learned Single Judge by filing an application in the disposed of Contempt Petition for seeking waiver of the costs imposed.

5. The appeal is disposed of as not pressed alongwith the pending applications. If the appellant files an application for seeking waiver of the costs imposed vide order dated 14.09.2018, it shall be for him to persuade the learned Single Judge to entertain such an application. We make it clear that no observations have been made on the merits of the order passed by the learned Single Judge.

HIMA KOHLI, J

REKHA PALLI, J

OCTOBER 01, 2018

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