



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

134

LPA-1578-2024 (O&M).
Date of Decision: 05.12.2024.

Manpreet Kaur
Krishan Kumar and others

VERSUS

....Appellant.
....Respondents.

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Ishan Gupta, Advocate for the appellant.

ANUPINDER SINGH GREWAL, J. (Oral)

CM-3692-LPA-2024

Exemption application is allowed, as prayed for.

CM-3693-LPA-2024

Application is allowed and additional documents Annexures A-1 to A-7 are taken on record, subject to all just exceptions.

LPA-1578-2024

This Letter Patent Appeal is directed against the order dated 30.05.2024 passed by the Single Bench, whereby the contempt petition (COCP-389-2021) has been dismissed.

2. Learned counsel for the appellant submits that as the issue with regard to implementation of the order dated 03.02.2020 passed by the writ Court in CWP-29977-2019 had been decided, LPA would be maintainable.

3. Having heard learned counsel for the appellant, we are of the considered view that the LPA against an order of the Single Bench declining to initiate contempt proceedings is not maintainable. The Single Bench while

exercising the contempt jurisdiction by the impugned order has declined to initiate proceedings under the Contempt of Courts Act, 1971, against the respondents. It is trite that only an order wherein the Single Bench while exercising the contempt jurisdiction issues directions could be assailed in an Intra Court Appeal and an order declining to initiate contempt proceedings is not appealable.

4. Faced with this situation, learned counsel for the appellant has relied upon the judgement of the Supreme Court in the case of **Midnapore Peoples Co-op. Bank Ltd. and ors. vs. Chunilal Nanda and ors., 2006(5) SCC 399.**

5. There is no dispute with the proposition of law laid down in the judgement in case of Midnapore Peoples Co-op. Bank Ltd. (supra) and, in fact, it goes against the maintainability of the instant LPA as it has been held by the Supreme Court that only an order issuing directions while exercising contempt jurisdiction would be appealable in intra court appeal or an order wherein the contemnor has been punished would be appealable under Section 19 of the Contempt of Courts Act, 1971. An order declining to punish the contemnor or dismissing the contempt petition would not be appealable in an intra court appeal. The relevant extract of the judgement is reproduced hereunder:-

“11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarized thus :

I. An appeal under [section 19](#) is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.

II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt

nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under [Section 19](#) of the CC Act. In special circumstances, they may be open to challenge under [Article 136](#) of the Constitution.

III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.

IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of 'jurisdiction to punish for contempt' and therefore, not appealable under [section 19](#) of CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under [section 19](#) of the Act, can also encompass the incidental or inextricably connected directions.

V. If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to appeal under [Article 136](#) of the Constitution of India (in other cases).”

6. The judgement in case of Midnapore Peoples Co-op. Bank Ltd. (supra) has been followed by the Supreme Court in **Deepak Kumar and another vs. Devina Tewari and others**, Civil Appeal arising out of SLP(C) No.10098 of 2023 decided on 26.11.2024 and the relevant extract is reproduced hereunder:-

“6. From the perusal of the order passed by the learned Single Judge it is clear to us that by the said order the learned Single Judge had in unequivocal terms held that no case for contempt was made out of the judgment and order dated 22nd April 2015 and as such dismissed the said contempt application preferred by respondent No.1. As such, in view of clause II of paragraph 11 of the judgment of this Court in Midnapore Peoples' Coop. Bank Ltd. and Others (supra), the appeal itself was not tenable.

7. The reliance placed by the learned counsel for the respondent No.1/employee on Clause V, in our view, is not well pressed. There is no adjudication or direction with regard to the merits of the matter by the learned Single Judge in the order dated 5th January 2022. In any case, in view of a specific bar, the remedy available to Respondent No.1, if any, was to challenge the order of the learned Single Judge by way of special leave petition.

8. On this short ground, we are inclined to allow the appeal. The impugned order is quashed and set aside and the appeal filed by the respondent No.1/employee before the Division Bench of the High Court stands dismissed. Ordered accordingly.

9. In the event Respondent No.1 files special leave petition before this Court challenging the order of the learned Single Judge dated 5th January 2022, she would be entitled to benefit of Section 14 of the Limitation Act, 1963 for the period during which the proceedings were pending before the Division Bench of the High Court and before this Court.”

7. In view of the above, instant appeal stands dismissed as not maintainable.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

05.12.2024
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No