



2024:DHC:8839-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 13.11.2024***+ **CONT.APP.(C)18/2024 & CM APPL. 50055/2024 & 53779/2024****DISTRICT COLLECTOR**

.....Appellant

Through: Mr.Sameer Vashisht, ASC
(Civil), GNCTD with
Ms.HarshitaNathrani.

versus

BALDEV SINGH & ORS.

..... Respondents

Through: Ms.Smita Maan &Mr.Vishal
Maan, Advs. for R-1 to R-3.
Mr.Kartik Dabas, Adv. for R-4
& R-5.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (Oral)**

1. This appeal has been filed under Section 19 of the Contempt of Courts Act, 1971 (hereinafter referred to as the 'Act'), challenging the judgment dated 16.08.2024 passed by the learned Single Judge of this Court in CONT CAS(C) 776/2019 titled ***Baldev Singh & Ors. v. Neha Bansal &Anr.***, which *inter alia* directs as under:-

"11. Accordingly, the Deputy Commissioner concerned is directed to correct the entries in the revenue record and mutate the name of the



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petitioner in the revenue record within 15 days from today, failing which the Deputy Commissioner concerned shall be personally liable to be held guilty of contempt of this Court and may be imposed with penalty/cost of Rs.1,000/- per day of default which shall be recovered from his salary.”

2. A reading of the above paragraph would clearly show that the appellant has still not been found guilty of contempt nor any punishment has been imposed on the appellant.

3. The Supreme Court in ***Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda***, (2006) 5 SCC 399 has clarified that an appeal is maintainable only against an order of the High Court passed in exercise of its jurisdiction to punish for contempt. The Supreme Court has held as under:-

“11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarised 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 the 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)."

4. The Supreme Court in ***Ajay Kumar Bhalla and Others v. Prakash Kumar Dixit***, 2024 SCC OnLine SC 1874, again reiterated that an appeal under Section 19 is maintainable only against an order imposing punishment for contempt.

5. In the present case, the learned Single Judge has still not held the appellant guilty of contempt nor has imposed any punishment on the appellant.



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6. In our view, therefore, the present appeal at this stage is not maintainable. The same is accordingly dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 13, 2024/rv/as

Click here to check corrigendum, if any