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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CONTEMPT APPEAL NO.4 OF 2024**

Sanjay S/O. Shankarroa Puppall .. Appellant  
Vs.  
State of Maharashtra & Ors. .. Respondents

...  
Mr. Shankar Dharne (Authorised POA of Petitioner-Sanjay S. Puppall) in person.

Mr. A. R. Deolekar, Assistant Government Pleader for the Respondent-State.

...

**CORAM : SHREE CHANDRASHEKHAR &  
MANJUSHA DESHPANDE, JJ**

**DATE : 28<sup>TH</sup> JULY 2025.**

**P.C. :**

Aggrieved by the order dated 6<sup>th</sup> August 2024 passed in Contempt Petition No.394 of 2024, the appellant is seeking initiation of a proceeding against the respondent-contemnors purportedly under section 19 of the Contempt of Courts Act, 1971.

2. Civil Contempt Petition No.394 of 2024 came to be dismissed by an order dated 6<sup>th</sup> August 2024 observing as under:

"7. In order to appreciate the submission made on behalf of the petitioner, it is necessary to take note of the exact order passed by this Court in C.R.A. No. 81 of 2022 which reads thus :

"Trial Court is requested to decide the objections raised by Registrar of the Court as expeditiously and in any event within two weeks."

This order came to be passed in the light of grievance made by the petitioner that suit filed by him is not being registered before the Trial Court. It is in this context, a direction was issued for expeditiously deciding the objections raised by the Registrar of the said Court within a period of two weeks. Meaning thereby it was expected that

objection to registration of suit be decided. There is no dispute about the fact that the Trial Court has passed order directing registration of suit as Regular Civil Suit. It is thus clear from this order that the objection raised by the Registrar for registration of suit has been overruled and Registry is directed to register suit. Thus, there is compliance of the order of this Court by C.J.S.D. in letter and spirit.

8. It seems that the petitioner had filed applications before the Trial Court for hearing of the suit on the point of jurisdiction and the same was opposed by the defendants contending that unless an application is filed under Order 7 Rule 11 of C.P.C., such issue cannot be determined and in any case the same can be decided at the time of final hearing of the suit. The said contention of the defendants seems to be accepted by the learned Trial Court. This order being a Judicial order, by no stretch of imagination can be called an contempt of court of this Court, nor it appears so.

9. Moreover, the petitioner seems to be in habit of making applications one after another before the Trial Court calling upon it to pass orders. The orders of rejection of the application filed on 04.08.2022 was sought to be reviewed unsuccessfully. These orders were challenged before the District Court wherein the learned District Judge -1 did not cause any interference therein.

10. It is the contention of the petitioner that the learned District Judge ought to have referred the contempt proceedings to this Court and as the same not being done that Court is said to have committed contempt of court, also does not deserve acceptance, as even prima facie no contempt of order of this Court or any other order/judgment is seem to have been committed by both learned Judicial Officers.

11. The law on the contempt of order of the court is fairly settled to say that there has to be willful disobedience of the order of the Court in order to context constitute as contempt of court. The order passed by the Trial Court as well as the District Court are in the exercise of the judicial discretion and the same can by no stretch of imagination be called as contemptuous. Having regard to the facts and circumstances of the case, this Court is of view that the present petition filed by petitioner is abuse of. process of Court. Once orders are passed on judicial side, it may be open for the petitioner to take exception thereto as provided by law. He however cannot be allowed to initiate contempt proceedings.

12. This Court, therefore, finds no merit in the Petition. This Court would have been justified to dismiss the petition by imposing heavy cost, however in view of the fact that the original plaintiff is said to be a physically challenged person and as such this Court refrains from imposing any cost. Petitioner however is cautioned that in future any abuse of process of law is found from him, no such concession would be given.”

3. As to maintainability of this contempt appeal, Mr. Shankar Dharne, the authorised Agent of the appellant appearing in-person submits that sub- sections (1) of section 19 of the Contempt of Courts Act provides that against an order passed by the learned Single Judge of this Court an appeal shall be laid before a Division Bench of this Court and therefore the present contempt appeal is maintainable.

4. However, we are not inclined to accept this submission and would dismiss this contempt appeal observing that an appeal under section 19 shall be maintainable before a Division Bench of this Court against the order of punishment awarded by the learned Single Judge or against the decision in which the Court adjudicates or records findings in exercise of its jurisdiction to punish for contempt. This proposition is supported by the provisions under sub section 2 of section 19 of Contempt of Courts Act which provides that the appellate Court may order that the execution of the punishment or the order appealed against be suspended. It is further provides under sub-section 2 that the appellate Court may order that the appellant shall be released on bail if the appellant is under confinement.

5. Section 19 of the Contempt of Courts Act, 1971 reads as under:

“1) An appeal shall lie as of right from any order or decision of High Court in the exercise of its jurisdiction to punish for

contempt—

- (a) where the order or decision is that of a single Judge, to a Bench of not less than two Judges of the Court;
- (b) where the order or decision is that of a Bench, to the Supreme Court:

Provided that where the order or decision is that of the Court of the Judicial Commissioner in any Union territory, such appeal shall lie to the Supreme Court.

- 2) Pending any appeal, the appellate Court may order that-
  - (a) the execution of the punishment or order appealed against be suspended;
  - (b) if the appellant is in confinement, he be released on bail; and
  - (c) the appeal be heard notwithstanding that the appellant has not purged his contempt.
- (3) Where any person aggrieved by any order against which an appeal may be filed satisfies the High Court that he intends to prefer an appeal, the High Court may also exercise all or any of the powers conferred by sub-section (2).
- (4) An appeal under sub-section (1) shall be filed—
  - (a) in the case of an appeal to a Bench of the High Court, within thirty days;
  - (b) in the case of an appeal to the Supreme Court, within sixty days, from the date of the order appealed against.”

6. In “*Midnapore Peoples’ Co-op Bank Ltd Vs. Chunilal Nanda*” AIR 2006 SC 2190, the Hon’ble Supreme Court examined the scope of Section 19(1) of the Contempt of Courts Act and observed as under:-

“It is clear from the aforesaid three decisions of the Supreme Court, what only those orders or decisions are appealable under section 19(1) in which the Court adjudicates or records findings in exercise of its jurisdiction to punish for contempt. It is not each and every order passed during the contempt proceedings that is appealable but any such order which determines any matter raised before the Court by the parties in exercise of its jurisdiction to punish for contempt that is appealable. Every interlocutory order which is not passed in exercise of the jurisdiction of the Court to punish for contempt is not appealable.”

“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.”

7. Contempt Appeal No.4 of 2024 is dismissed.

**[MANJUSHA DESHPANDE, J.] [SHREE CHANDRASHEKHAR, J. ]**