2026:UHC:10683-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

Special Appeal No. 442 of 2026

Vineeta and others --Appellants

Versus

Ranjana Rajguru and another --Respondents

Counsel for the appellants	:	**Mr. Yogesh Pacholia and Mr. Saurabh Budhori, learned counsel**
Counsel for the respondents	:	**Mr. Sandeep Kothari, learned counsel**

Reserved on : 19.11.2026
Delivered on : 21.11.2026

Hon'ble Manoj Kumar Tiwari, ACJ
Hon'ble Subhash Upadhyay, J

(Per : Hon'ble Manoj Kumar Tiwari, ACJ

JUDGMENT

1. This Intra-Court appeal is directed against order dated 29.09.2026, passed by learned Single Judge in Civil Contempt Petition No. 447 of 2026. By said order, the contempt petition filed by appellants was dismissed by holding that no contempt of order dated 07.05.2026 passed in WPMB No. 935 of 2025 is made out.

2. Learned Single Judge relied upon the judgment rendered by Hon'ble Supreme Court in the case of Union of India Vs. Federation of Self-Financed Ayurvedic Colleges Punjab and Others, reported in (2020) 12 SCC 115 for forming opinion that contempt of the order passed by writ Court is not made out.

3. Section 19 of Contempt of Courts Act dealing with appeal is extracted below:

> **"19. Appeals.—**(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—
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> (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."

4. Section 19 of Contempt of Courts Act, 1971 provides for an appeal only against an order or decision of a Court passed in the exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.

5. Hon'ble Supreme Court in the case of Midnapore Peoples' Cooperative Bank Limited and others Vs. Chunilal Nanda and others, reported as (2006) 5 SCC 399 has discussed and summarised the scope of appellate power under Contempt of Courts Act in para 11 of the judgment, which is reproduced below:

> **"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).

The first point is answered accordingly."

6. From the aforesaid judgment, it is revealed that an appeal under Section 19 would be maintainable only against an order imposing punishment for contempt and not against an order declining to initiate proceedings for contempt/an order dropping the proceedings for contempt, although, in special circumstances, such order may be open to challenge under Article 136 of the Constitution.

7. The right of appeal given to the contemnor and not to the informant has a rationale. The party filing contempt application acts primarily as an informant, bringing an alleged breach to the notice of the Court. Once contempt petition is filed, the decision whether to pursue or drop the contempt proceeding rests with the Court. Courts invoke contempt powers to ensure that public respect and faith in the judicial process remains intact. Because the majesty of law is at stake, contempt is not treated as an ordinary dispute between two private individuals. Even if an applicant brings the matter to attention of the Court, the ultimate issue is between the court itself and the alleged contemnor.

8. Learned counsel for the appellants submits that this appeal is under Chapter 8 Rule 5 of Rules of the Court and not under Section 19 of Contempt of Courts Act. He concedes that Section 19 creates right of appeal only in favour of the one who is punished; however, there is no such limitation prescribed in Chapter 8 Rule 5 dealing with intra-court appeals and the appeal therefore would be maintainable.

9. We are not impressed by the said submission.

10. Hon'ble Supreme Court in the case of Midnapore Peoples' Cooperative Bank Limited (supra) held that intra-court appeal would be maintainable only if the High Court decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceeding.

11. Since this is not the case here and learned Single Judge has neither decided any issue between the parties nor issued any direction relating to merits of the dispute, therefore this appeal, even though filed under Chapter 8 Rule 5 of Rule of the Court, cannot be entertained.

12. Law is well settled that a thing which cannot be done directly cannot be permitted to be done indirectly. Since legislature has denied right of appeal against dismissal of a contempt petition in Section 19 of the Act, therefore a litigant cannot be permitted to file intra court appeal against simple order of dismissal passed by Contempt Court, under Rules of the Court.

13. For the aforesaid reasons, we refuse to entertain this appeal. Accordingly, the intra court appeal is dismissed.

MANOJ KUMAR TIWARI, A.C.J.

SUBHASH UPADHYAY, J.

Dt: 21.11.2026
Mahinder

MAHINDER SINGH

Digitally signed by MAHINDER SINGH
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