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

Date of decision: 4th May, 2026.

Uploaded on: 7th May, 2026.

+ **CONT. APP.(C) 9/2026 & CM APPL. 25630/2026, CM APPL. 25631/2026**

MS ANURADHA BHARDWAJ & ANR.Appellants

Through: Mr. Abhijit Mishra , Ms. Payal Bahl ,
Mr. Vikhyat Gupta, Advs.

versus

MS MEENAKSHI SHARMA & ANR.Respondents

Through: Mr. Appearance not given.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed by the Appellants under Section 19(1) of the Contempt Courts Act, 1971 assailing the impugned order dated 12th March, 2026 passed by the ld. Single Judge in **CONT.CAS(C) 1411/2025**.
3. *Vide* the impugned order, the ld. Single Judge has impleaded the Appellants in **CONT.CAS(C) 1411/2025**.
4. Ld. Counsel for the Appellants submits that the Appellants are aggrieved by the fact that the Appellants have been impleaded in **CONT.CAS(C) 1411/2025** and have been directed to be present in Court on the next date of hearing, before the ld. Single Judge.
5. Ld. Counsel for the Respondents objects to the maintainability of the present appeal. In this regard, reliance is placed upon the recent decision of



this Court in **CONT.APP.(C) 6/2026** titled '**Tribhuwan Singh & Ors. v. Shri Chetan Prakash Jain & Anr.**'

6. The Court has considered the matter. The present contempt petition has been filed by Ms. Meenakshi Sharma on the ground that there is violation of orders dated 13th March, 2023 and 12th August, 2024 passed by the Judicial Magistrate (First Class) Mahila Court, North District in **Ct. No.2371/2019** titled '**Meenakshi Sharma & Anr. v. Rajesh Bhardwaj**'.

7. The stand of the Contempt-Petitioner is that the requisite maintenance amount is not being paid by the Respondent-Mr. Rajesh Bhardwaj in **CONT.CAS(C) 1411/2025** (hereinafter, '*the husband*'). The Appellants are the mother and sister of the husband *i.e.*, Mr. Rajesh Bhardwaj.

8. In the impugned order, the allegation is that the mother and sister of the husband have aided and abetted the contempt committed by the husband. Under these circumstances, the Id. Single Judge had issued notice on 12th March, 2026 and directed as under:

"1. By way of the present application, it is alleged by the petitioner that the sister and mother of the respondent are aiding and abetting the continued contempt/wilful disregard of the orders passed by the Judicial Magistrate First Class (Mahila Court), North.

2. It is submitted that there has been abject failure on the part of the respondent to pay the requisite maintenance amount in terms of extant judicial orders. The respondent, with a view to suppress his actual income, has taken a stand that he is employed in an LLP from where he receives only Rs. 10,000/- in salary and that too in cash. It is alleged in the application that the said LLP viz. Adore Insurance Marketing LLP is a family concern in which the mother and sister of the respondent are designated partners. It is submitted that



this business arrangement is designed with a view to artificially suppress the income of the respondent so that he can avoid paying the maintenance to the petitioner.

3. It is submitted that the mother and sister of the respondent, by participating in this arrangement, have aided and abetted the contempt committed by the respondent.

4. It is urged that in terms of the dicta laid down in DDA v. Skipper Construction Co. (P) Ltd., (1996) 4 SCC 622 and Balwantbhai Somabhai Bhandari v. Hiralal Somabhai, (2023) 17 SCC 545, none of the contemnors should be allowed to enjoy the fruits of contempt.

5. It is further submitted that if the mother and sister of the respondent are impleaded in these proceedings and directed to file a reply/ affidavit, the same will substantiate that the income being earned through the business being carried out under the banner of Adore Insurance Marketing LLP essentially belongs to the respondent.

6. Issue notice.

7. Learned counsel accepts notice on behalf of the said proposed respondents.

8. Let the respondent as also the proposed respondents file their reply to the present application within a period of four weeks.

9. The proposed respondents (Ms. Sunita and Ms. Anuradha) shall remain present in Court on the next date of hearing.

10. The respondent is directed to file his affidavit of assets, including all movable and immovable properties,



as also his bank account statements / credit card statements and income tax returns for the preceding three years till date.

11. The petitioner has expressed a serious apprehension that the respondent poses a flight risk. Let the respondent deposit his original passport in this Court. It is further directed that the respondent shall not travel abroad without the leave of this Court.”

9. The grievance of the Appellants in the present petition is that they had no role to play in the violation of the maintenance order by the husband.

10. The primary question is whether the appeal would be maintainable before this Court or not. Section 19(1) of the Contempt of Courts Act, 1971 reads as under:

“19. Appeals.—(1) An appeal shall lie as of right from any order or decision of the 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:

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”

11. The above provision has been interpreted by the Supreme Court in **‘Midnapore Peoples’ Coop. Bank Ltd. v. Chunilal Nanda (2006) 5 SCC 399**, wherein the Court has clearly held that appeals under Section 19 of the Contempt of Courts Act, 1971 would be maintainable only in respect of orders punishing for contempt. The relevant portion is set out 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.”

12. The above judgment has been followed by this Court in **CONT.APP.(C) 23/2025** titled '**RK Sharma v. Sh. Amarjeet Singh**' and recently in **CONT.APP.(C) 6/2026** titled '**Tribhuwan Singh & Ors. v. Shri Chetan Prakash Jain and Anr.** In **Tribhuwan Singh (Supra)** this Court has observed as under:

“8. A perusal of the impugned order shows that the Ld. Single Judge has refused to punish the alleged contemnors and has held that contempt is not made out as the Respondents have passed speaking orders. Moreover the Ld. Single Judge also notes that the Petitioners have already filed writ petitions challenging



the said speaking orders. Such an order passed by the Id. Single Judge refusing to entertain the contempt petitions, would clearly not be appealable in view of the decision in Midnapore Peoples' Coop. Bank Ltd. (Supra). Accordingly, the present appeal filed under Section 19 of the Contempt of Courts Act, 1971 is dismissed. Needless to add, this Court has not gone into the merits of the speaking orders and their legality."

13. In the present case as well, *vide* the impugned order dated 12th March, 2026, the Id. Single Judge has merely issued notice and directed the Appellants' appearance before the Court on 21st July, 2026.

14. In the opinion of this Court, the said order would not be an appealable order under Section 19 of the Contempt of Courts Act, 1971, in view of the settled legal position in *Midnapore Peoples' Coop. Bank Ltd. (supra)*.

15. Accordingly, the present appeal is rejected. All the pending applications, if any, are also disposed of. It is clarified that this Court has not considered the merits of the matter. All contentions are left open.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

MAY 4, 2026

Rahul/sm