THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CONTEMPT APPEAL (SR). NO: 4482 OF 2026

ORDER :-*(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri Surepalli Madhava Rao, learned counsel for the appellants, on the maintainability of the Contempt Appeal in view of the objections.

2. The Registry has returned the Contempt Case (SR) with the following objections:

> "*Please state how this C.A is maintainable, as the Hon'ble Court had not found guilty and not imposed punishment to the parties in C.C.*"

3. The learned counsel for the appellants has re-presented the said CA(SR) with the following endorsement :

> *"Section 19 of the Contempt of Courts Act 1971 clearly says that an appeal shall lie as of right from any order or decision of High Court in exercise of its Jurisdiction to punish for Contempt and it does not say that the order impugned in the appeal should contain finding of guilt or imposition of punishment. The Contempt case is filed since the respondents disobeyed the order of the learned single Judge directing them to include the temporary service of the petitioners for the purpose of pensionary benefits and gratuity. The learned single Judge by passing the impugned order closed the contempt case by holding that the order is complied with. If the office is not convinced with the above explanation the matter may be listed for hearing on bench."*

4. Section 19 (1) of the Contempt of Courts Act, 1971 (for short 'the Act, 1971), reads as under :

> ***"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:*

5. A bare perusal of Section 19(1) of the Act, 1971, shows that the appeal shall lie as of right from any order or decision of High Court in the exercise of its jurisdiction to punish for contempt. Clause (a) provides that where the order or decision is that of a single Judge, appeal lies to a Bench of not less than two Judges of the High Court.

6. The expression used in Section 19(1) of the Act,1971 is in the exercise of its jurisdiction to punish for contempt, which is most relevant in determining the maintainability of the appeal under Section 19 of the Act.

7. In ***Midnapore Peoples' Coop. Bank Ltd., and Others V. Chunilal Nanda and Others***[1], the Hon'ble Apex Court held that "*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*

[1] (2006) 5 SCC 399

for contempt, that is, an order imposing punishment for contempt.". It was further held in clear terms that *"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."*

8. In ***Midnapore Peoples' Coop. Bank Ltd.,*** (supra), the Hon'ble Apex Court held in paragraph No.11, which reads 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)."*

9. The order under challenge is not one imposing punishment upon the respondents in the contempt proceedings. It is an order closing the contempt case recording that the orders passed in writ petition No.937 of 2023 dated 10.07.2024-have been complied with.

10. We are of the considered view that an appeal would not lie under Section 19(1)(a) of the Contempt of Courts Act, 1971, against the order under challenge.

11. The appeal has been filed under Section 19(1)(a) of the Act,1971. The office objection is sustained. It is held that the appeal is not maintainable under Section 19 of the Contempt of Courts Act,1971.

12. Sri Surepalli Madhava Rao, learned counsel for the appellants, then submits that in view of ***Midnapore Peoples' Coop. Bank Ltd.,*** (supra) when the Contempt Appeal is not maintainable under Section 19 of the Act,1971, the appeal would be maintainable under Clause 15 of the Letters Patent.

13. As per paragraph No.11 (v) of ***Midnapore Peoples' Coop. Bank Ltd.,*** (supra) 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.

14. Clause 15 of the Letters Patent, reads as under :

> *"**15. Appeal from the Courts of Original Jurisdiction to the High Court in its Appellate Jurisdiction.**—*
>
> *And we do further ordain that an appeal shall lie to the said High Court of Judicature at Madras from the judgment (not being a judgment passed in the exercise of appellate jurisdiction in respect of a decree or order of a decree or order made in the exercise of appellate jurisdiction by a Court subject to the superintendence of the said High Court, and not being an order made in the exercise of revisional jurisdiction and not being a sentence or order passed or made in the exercise of the power of superintendence under the provisions of Sec.107 of the Government of India Act, or in the exercise of criminal jurisdiction of one Judge of the said High Court or one Judge of any Division Court, pursuant to Section 108 of Government of India Act, and that notwithstanding anything herein before provided an appeal shall lie to the said High Court from a judgment of one Judge of the said High Court or one Judge of any Division Court, pursuant to Section 108 of the Government of India Act made (on or after the 1st day of February, 1929) in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a Court subject to the superintendence of the said High Court, where the Judge*

who passed the judgment declares that the case is a fit one for appeal; but that the right of appeal from other judgments of Judges of the said High Court or of such Division Court shall be to Us, Our Heirs or Successors in Our or Their Privy Council, as hereinafter provided."

15. Clause 15 of the Letters Patent shows that the appeal is maintainable against a judgment. But all the judgments are not appealable.

16. Learned counsel for the appellants submits that the respondents filed a memo reporting compliance of the order passed in the writ petition and taking into consideration that memo, the learned Single Judge, recorded that the order passed in the writ petition had been complied with, which is his submission is "judgment" appealable under Clause 15 of the Letters Patent.

17. Whether an order falls within the expression "judgment" so as to be appealable is a question that would depend upon the nature of the order and would require consideration if and when an appeal under Clause 15 of the Letters Patent is filed. The present appeal is under Section 19 of the Contempt of Courts Act, 1971 and not under Clause 15 of the Letters Patent.

18. Upholding the office objections, liberty is granted to the contempt appellants to file appeal under Clause 15 of Letters Patent, or to convert this Contempt Appeal into appeal under Clause 15 of the Letters Patent as may be advised, and in such a case, the maintainability of the

Letters Patent appeal, shall be open to be addressed before the appropriate Bench.

19. If this Contempt Appeal is converted under Clause 15 of the Letters Patent, the matter shall be placed before the appropriate Bench by the Registry, and if not, so converted, this Contempt Appeal shall stand dismissed as not maintainable at the SR stage.

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J

Date : 24.06.2026.
Note :- L.R. Copy to be marked.
B/o
RPD.

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

*** THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

+ CONTEMPT APPEAL (SR). NO: 4482 OF 2026

% **24.06.2026.**

Kasi Raju, S/o Kava Raju(Died)
and 19 others

……Appellants

And:

$ 1. Arun Kumar and another

….Respondents.

!Counsel for the Appellants : Sri Surepalli Madhava Rao

^Counsel for the respondents : --
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<Gist:

>Head Note:

? Cases referred:

1. (2006) 5 SCC 399

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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CONTEMPT APPEAL (SR). NO: 4482 OF 2026

DATE OF JUDGMENT / ORDER PRONOUNCED: ***24.06.2026.***

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

1.	*Whether Reporters of Local newspapers may be allowed to see the Judgments?*	*Yes/No*
2.	*Whether the copies of judgment may be marked to Law Reporters/Journals*	*Yes/No*
3.	*Whether Your Lordships wish to see the fair copy of the Judgment?*	*Yes/No*

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J