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

Date of decision: 26th May, 2026

Uploaded on: 27th May, 2026

+ **CONT.APP.(C) 8/2026 & CM APPL. 36653/2026, CM APPL. 36809/2026**

MAMTA ANAND ALIAS SANGEETA ANANDAppellant

Through: Mr. Ashok Kumar, Adv.

versus

RAVINDER KAURRespondent

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 36809/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM APPL. 36653/2026 (for modification)

3. The present application has been filed by the Appellant under Section 151 of CPC seeking modification of the order dated 27th March, 2026 passed by this Court.

4. By way of the said order dated 27th March, 2026, this Court had come to the conclusion that the appeal filed by the Appellant was not maintainable at that stage and was premature in nature, as the Id. Single Judge *vide* the impugned order dated 6th September, 2022 and 10th February, 2026 passed in *CONT. CAS (C). 428/2016* titled '*Ravinder Kaur v. Mamta Anand & Anr.*' had held that the Appellants were guilty of contempt. However, no sentence was awarded and the matter is still pending before the Id. Single Judge for



determining the quantum of punishment.

5. The submission of Id. Counsel for the Appellant today is that the said order dated 27th March, 2026 deserves to be modified as a Coordinate Bench of this Court in ***R.K. Yadav Through Director of Income Tax Inv-II & others Vs. Dinesh Kumar*** in ***Cont. App. (C) No.2/2025*** has taken into consideration the decision of the Supreme Court in ***Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda, (2006) 5 SCC 399*** and the decision of a Coordinate Bench of this Court in ***Sarojini Nagar Jhuggi Jhopri Vikas Samiti v. Suresh Kumar, 2022 SCC Online Del 3669*** to hold that an appeal under Section 19 of the Contempt of Courts Act, 1971, is maintainable if an order records the guilt of the Contemnor or punishment thereof.

6. This Court has, in the past, had the occasion to consider the judgment in ***Midnapore Peoples' Coop. Bank Ltd. (supra)*** repeatedly in ***CONT.APP.(C) 7/2026*** titled ***Dalbir Singh Yadav & Ors. v. Rajdarbar Heritage Ventures Ltd.*** and in ***CONT.APP.(C) 2/2026*** titled ***Raghunath Singh & Ors. v. Chetan Prakash Jain & Anr.***

7. The findings of this Court in its decision dated 10th February, 2026 in ***Dalbir Singh Yadav (supra)***, is as under:

“15. The law on the aspect of maintainability of an appeal against orders passed in contempt petitions is well settled. The Supreme Court in Midnapore Peoples' Coop. Bank Ltd. (Supra) has held that appeals under Section 19 of the Contempt of Courts Act, 1971 would be maintainable only against an order imposing punishment for contempt. The relevant portion of the said decision reads as under:

“10. Section 19 of the Contempt of Courts Act, 1971 (“the CC Act” for short) provides for appeals. Relevant portion of sub-section (1) thereof is extracted below:



“19. (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.”

The scope of Section 19 has been considered by this Court in *Baradakanta Mishra v. Justice Gatikrushna Misra* [(1975) 3 SCC 535 : 1975 SCC (Cri) 99 : AIR 1974 SC 2255] , *Purshotam Dass Goel v. Justice B.S. Dhillon* [(1978) 2 SCC 370 : 1978 SCC (Cri) 195 : AIR 1978 SC 1014] , *Union of India v. Mario Cabral e Sa* [(1982) 3 SCC 262 : 1983 SCC (Cri) 10 : AIR 1982 SC 691] , *D.N. Taneja v. Bhajan Lal* [(1988) 3 SCC 26 : 1988 SCC (Cri) 546] , *State of Maharashtra v. Mahboob S. Allibhoy* [(1996) 4 SCC 411 : 1996 SCC (Cri) 675] and *J.S. Parihar v. Ganpat Duggar* [(1996) 6 SCC 291 : 1996 SCC (L&S) 1422] . **These cases dealt with orders refusing to initiate contempt proceedings or initiating contempt proceedings or acquitting/exonerating the contemnor or dropping the proceedings for contempt. In all these cases, it was held that an appeal was not maintainable under Section 19 of the CC Act as the said section only provided for an appeal in respect of orders punishing for contempt.**

10.1. In *Baradakanta Mishra* [(1975) 3 SCC 535 : 1975 SCC (Cri) 99 : AIR 1974 SC 2255] a three-Judge Bench of this Court held that an order declining to initiate a proceeding for contempt amounts to refusal to assume or exercise jurisdiction to punish for contempt and, therefore, such a decision cannot be regarded as a decision in the exercise of its jurisdiction to punish for contempt. The question as to whether an appeal would be maintainable under Section 19 where the court initiates a proceeding for contempt but after due



consideration and hearing finds the alleged contemnor not guilty of contempt, or having found him guilty declines to punish him, was left open.

10.2. *In Purshotam Dass Goel [(1978) 2 SCC 370 : 1978 SCC (Cri) 195 : AIR 1978 SC 1014] certain aspects of Section 19 were left open. This relevant portion is extracted below: (SCC pp. 371-72, para 3)*

“The [contempt] proceeding is initiated under Section 17 by issuance of a notice. Thereafter, there may be many interlocutory orders passed in the said proceeding by the High Court. It could not be the intention of the legislature to provide for an appeal to this Court as a matter of right from each and every such order made by the High Court. The order or the decision must be such that it decides some bone of contention raised before the High Court affecting the right of the party aggrieved. Mere initiation of a proceeding for contempt by the issuance of the notice on the prima facie view that the case is a fit one for drawing up the proceeding, does not decide any question. ... It is neither possible, nor advisable, to make an exhaustive list of the type of orders which may be appealable to this Court under Section 19. A final order, surely, will be appealable.

If the alleged contemnor in response to the notice appears before the High Court and asks it to drop the proceeding on the ground of its being barred under Section 20 of the Act but the High Court holds that the proceeding is not barred, it may well be that an appeal would lie to this Court under Section 19 from such an order although the proceeding has remained pending in the High Court. We are not called upon to express our final opinion in regard to such an order, but we merely mention this type of order by way of an example to show that even orders made at some intermediate stage in the proceeding may be appealable under Section 19.”



10.3. While *Baradakanta Mishra* [(1975) 3 SCC 535 : 1975 SCC (Cri) 99 : AIR 1974 SC 2255] and *Purshotam Dass* [(1978) 2 SCC 370 : 1978 SCC (Cri) 195 : AIR 1978 SC 1014] left open the question whether an appeal under Section 19 would be maintainable in certain areas, in *D.N. Taneja* [(1988) 3 SCC 26 : 1988 SCC (Cri) 546] **a three-Judge Bench of this Court categorically held that appeals under Section 19 would lie only against the orders punishing the contemnor for contempt and not any other order passed in contempt proceedings.** We extract below the relevant portions from the said decision: (SCC pp. 29-32, paras 8, 10 & 12)

“The right of appeal will be available under subsection (1) of Section 19 only against any decision or order of a High Court passed in the exercise of its jurisdiction to punish for contempt. ... When the High Court does not impose any punishment on the alleged contemnor, the High Court does not exercise its jurisdiction or power to punish for contempt. The jurisdiction of the High Court is to punish. When no punishment is imposed by the High Court, it is difficult to say that the High Court has exercised its jurisdiction or power as conferred on it by Article 215 of the Constitution.

It is true that in considering a question whether the alleged contemnor is guilty of contempt or not, the court hears the parties and considers the materials produced before it and, if necessary, examines witnesses and, thereafter, passes an order either acquitting or punishing him for contempt. When the High Court acquits the contemnor, the High Court does not exercise its jurisdiction for contempt, for such exercise will mean that the High Court should act in a particular manner, that is to say, by imposing punishment for contempt. So long as no punishment is imposed by the High Court, the High Court cannot



be said to be exercising its jurisdiction or power to punish for contempt under Article 215 of the Constitution.

The aggrieved party under Section 19(1) can only be the contemnor who has been punished for contempt of court.”

(emphasis supplied)

10.4. *In Mahboob S. Allibhoy [(1996) 4 SCC 411 : 1996 SCC (Cri) 675] this Court reiterated the above position thus: (SCC p. 414, para 3)*

“On a plain reading Section 19 provides that an appeal shall lie as of right from any order or decision of the High Court in exercise of its jurisdiction to punish for contempt. In other words, if the High Court passes an order in exercise of its jurisdiction to punish any person for contempt of court, then only an appeal shall be maintainable under sub-section (1) of Section 19 of the Act. As sub-section (1) of Section 19 provides that an appeal shall lie as of right from any order, an impression is created that an appeal has been provided under the said sub-section against any order passed by the High Court while exercising the jurisdiction of contempt proceedings. The words ‘any order’ have to be read with the expression ‘decision’ used in the said sub-section which the High Court passes in exercise of its jurisdiction to punish for contempt. ‘Any order’ is not independent of the expression ‘decision’. They have been put in an alternative form saying ‘order’ or ‘decision’. In either case, it must be in the nature of punishment for contempt. If the expression ‘any order’ is read independently of the ‘decision’ then an appeal shall lie under sub-section (1) of Section 19 even against any interlocutory order passed in a proceeding for contempt by the High Court which shall lead to a ridiculous result.”



10.5.J.S. Parihar v. Ganpat Duggar [(1996) 6 SCC 291 : 1996 SCC (L&S) 1422] is nearest to this case, on facts. A contempt petition was filed alleging that the seniority list drawn pursuant to the order of the High Court was not in conformity with the said order. The High Court found it to be so, but held that the disobedience was not wilful and, therefore, did not punish for contempt. But the High Court gave a direction to redraw the seniority list. The State Government challenged the said direction in an intra-court appeal. The Division Bench held that the appeal was not maintainable under Section 19 of the CC Act, but was maintainable as an intra-court appeal as the direction issued by the Single Judge would be a “judgment” within the meaning of that expression in Section 18 of the Rajasthan High Court Ordinance. Accordingly, the Division Bench set aside the direction of the learned Single Judge to redo the list. The said order was challenged before this Court. This Court confirmed the decision of the Division Bench and held as follows: (SCC pp. 293-94, paras 5 & 6)

“Therefore, an appeal would lie under Section 19 when an order in exercise of the jurisdiction of the High Court punishing the contemnor has been passed. In this case, the finding was that the respondents had not wilfully disobeyed the order. So, there is no order punishing the respondent for violation of the orders of the High Court. Accordingly, an appeal under Section 19 would not lie.

The question is whether seniority list is open to review in the contempt proceedings to find out whether it is in conformity with the directions issued by the earlier Benches. It is seen that once there is an order passed by the Government on the basis of the directions issued by the court, there arises a fresh cause of action to seek redressal in an appropriate



forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action for the aggrieved party to avail of the opportunity of judicial review. But that cannot be considered to be the wilful violation of the order. After re-exercising the judicial review in contempt proceedings, a fresh direction by the learned Single Judge cannot be given to redraw the seniority list. In other words, the learned Judge was exercising the jurisdiction to consider the matter on merits in the contempt proceedings. It would not be permissible....”

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.”

16. The aforesaid position has been reiterated by the Supreme Court in Ajay Kumar Bhalla (Supra). After quoting Midnapore Peoples’ Coop. Bank Ltd. (Supra) the Court has held as under:

“12. Following the decision in Midnapore Peoples’ Coop. Bank, it is a settled principle that an appeal under Section 19 lies only against an order imposing punishment for contempt.

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14. The Single Judge, after recording the submissions as adverted to above, entered a specific finding in SCC OnLine Del para 64 that “this Court is therefore, of the opinion that there is wilful disobedience” (emphasis supplied). The above finding follows immediately upon the previous paragraph of the order which records the contention of the respondent herein that he was entitled to promotion to the rank of IG, in any event with effect from 2021.



15. Bearing in mind the above finding, the Single Judge gave an opportunity to the appellants “to issue a fresh order granting promotion to the petitioner to the rank of IG” to bring him on a par with his immediate junior. Reading the entirety of the order of the Single Judge, it is clear that besides holding that the appellants (who were the respondents before the Single Judge) were guilty of contempt of court, there is a crystallised finding that the respondent herein was entitled to promotion as IG, in any event with effect from 2021.

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17. The judgment of the Division Bench lost sight of the fact that whether the appeal was maintainable would have to be construed on a plain reading of the judgment of the Single Judge. Two aspects were covered by the judgment of the Single Judge:

- (i) Firstly, a finding that the appellants were guilty of contempt of the order dated 24-12-2019; and
- (ii) Secondly, that the respondent was entitled to promotion to the rank of IG.

The first aspect is not amenable to an appeal under Section 19 at the present stage. The finding that the respondent was entitled to promotion to the rank of IG would be amenable to an appeal in terms of the law laid down by this Court in Midnapore Peoples' Coop. Bank, more particularly in para 11(V) which has been extracted above.”

Thus, it is only an order punishing for contempt which would be appealable under Section 19 of the Act, as per the above decision.

8. Further, the finding of this Court on the same aspect in its decision dated 6th February, 2026 in **Raghunath Singh (supra)** is as under:



“19. However, this Court is constrained under Section 19 of the Contempt of Courts Act, 1971. *Ld. Counsel for the Appellants* however submits that the present appeals would be maintainable under Section 19 of the Contempt of Courts Act, 1971.

20. However, the law is well settled in this regard. Contempt appeals under Section 19 of the Contempt of Courts are maintainable only when there is a punishment for contempt. The Supreme Court in the decision in *Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda, (2006) 5 SCC 399, held that an appeal under Section 19 of the Contempt of Courts Act, 1971 would be maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt i.e., an order imposing punishment for contempt.....*

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21. The decision of the Supreme Court in *Midnapore Peoples' Coop. Bank Ltd.* has been followed by this Court in *CONT.APP.(C) 23/2025* titled '*RK Sharma v. Sh. Amarjeet Singh*'. Accordingly, the present appeals filed under Section 19 of the Contempt of Courts Act, 1971 are not maintainable.

9. In the present case, the order dated 6th September, 2022 passed by the *ld. Single Judge* holds that the Appellant is guilty of gross contempt. However, no punishment has been awarded and arguments are yet to be heard by *ld. Single Judge* on the sentence to be awarded.

10. Under such circumstances, the present contempt appeal was clearly premature in nature, as no punishment has yet been determined by the *ld. Singh Judge*.

11. Further on the date when the matter was taken up by this Court *i.e.*, on 27th March, 2026, there was no appearance on behalf of the Appellants.



12. The Court has queried the Id. Counsel for the Appellant as to what transpired on 22nd April, 2026 before the Id. Single Judge, to which the submission is that the said contempt petition has been adjourned and no punishment has yet been pronounced.

13. This Court is clearly of the view that if and when the punishment is pronounced, the Appellant would be clearly entitled to challenge both, the main order and the sentence order at that stage.

14. At this stage, the Court cannot predict as to what view the Id. Single Judge would be taking in the contempt petition. Hence, the appeal cannot be considered by this Court at this Court.

15. Accordingly, there is no reason to modify the order dated 27th March, 2026.

16. The present application is disposed of in said terms.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

MAY 26, 2026
Rahul/ss