
(2014) 01 JH CK 0020
In the Jharkhand High Court
Case No : LPA No. 423 of 2013

Gajadhar Sah

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 07-01-2014

Acts Referred:

Contempt of Courts Act, 1971 — Section 19, 19(1)

Citation : (2014) 1 JLJR 405

Hon'ble Judges : R. Banumathi, C.J; Aparesh Kumar Singh, J

Bench : Division Bench

Advocate : Rakesh Kumar, Advocate for the Appellant

Judgement

1. Challenging the order dated 6th December 2013 passed by the learned single Judge in Contempt Case (Civil) No. 236/2013 declining to initiate any action against the respondents under the Contempt of Courts Act, the appellant has preferred this Letters Patent Appeal. The appellant is the plaintiff in Money Suit No. 1/2001 pending in the file of Civil Judge, Senior Division-1- Godda which was filed against the defendant/State of Jharkhand alleging that the money suit is not progressing.

2. The appellant had filed WPC No. 192/2011. By order dated 18th March, 2011, learned single Judge directed the Sub-Judge-I, Godda to expedite the hearing of Money Suit No. 1/2001 and dispose of the same as early as possible and practicable and further observed that no unnecessary adjournment would be granted to the parties of the suit.

3. Alleging that the said order passed by the Court in WPC No. 192/2011 dated 18th March, 2011, has not been complied with and the said order was willfully disobeyed, the appellant herein had filed the Contempt Case (Civil) No. 236/2013. By the impugned order dated 6th December, 2013, the learned single Judge held that there is no reason to initiate any action under the Contempt of Courts Act against the respondents and dismissed the contempt application on

the ground that there is no substance in the contempt application.

4. Learned Counsel for the appellant submitted that since certain observation has been made against the petitioner/appellant in the Contempt Case (Civil) No. 236/2013, the instant Letters Patent Appeal needs to be entertained.

5. We have considered the submissions of the learned counsel appearing for the appellant.

6. u/s 19 of the Contempt of Courts Act, 1971, 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 Section 19(1) 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:

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.

6A. Section 19(1) of the Contempt of Courts Act has provided for an appeal against the decision of the High Court in exercise of its jurisdiction for punishment of contempt. Consequently, an appeal will lie only when the jurisdiction of punishment for contempt has been exercised and the contemnor has been punished. In other words, an appeal u/s 19(1) of the Contempt of Courts Act lies only in a case where the contemnor is punished for contempt of Court. In this case no punishment has been awarded, hence appeal is not maintainable.

7. By careful reading of Section 19(1) of the Contempt of Courts Act, it is seen that statutory intra court right to appeal against the order passed in the contempt petition can only be available when an order is passed in exercise of jurisdiction to punish for contempt. In the Contempt Case (Civil) No. 236/2013, learned single Judge held that there is no reason to initiate any action against the respondents under the Contempt of Courts Act and there is no substance in the contempt application. When the contempt petition has been dismissed as there was no substance in the contempt application, statutory right of appeal u/s 19(1) of the Contempt of Courts Act is not available to the appellant. Since no punishment has been awarded to the appellant u/s 19(1) of the Contempt of Court's Act, the appellant cannot claim any right to file the appeal. Accordingly, the intra Court appeal is dismissed as not maintainable.