

[ 3418 ]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**FRIDAY, THE THIRTEENTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

**CONTEMPT APPEAL NO: 18 OF 2024**

Contempt Appeal filed under Section 19(1)(A) of Contempt of Courts Act, aggrieved by the impugned order dated 20.08.2024 passed in Contempt Case No. 2243 of 2023 on the Hon'ble High Court.

**Between:**

Smt. G. Radha, W/o. G. Parameshwar Reddy, aged 55 years, Occ Business, R/o Plot No. 365, Southend Park, Mansurabad Village, L.B Nagar, Hyderabad, R.R District, T.S

**...Appellant/Petitioner**

**AND**

Smt. Rudravarapu Jhansi Rani,, W/o. R. Sridhar Reddy, aged 43 years, Managing Director of M/s. RJV Marketing Pvt. Ltd., R/o. H.No. 8-5-32/26, Srinidhi Colony, Goodwill Enclave, Karmanghat, Saroor Nagar, Ranga Reddy District, TS

**...Respondent/Respondent**

**Counsel for the Appellant : Mr. Bethi Venkateswarlu**

**Counsel for the Respondent : Mr. G. Vidya Sagar, Amicus Curiae**

**The Court delivered the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**CONTEMPT APPEAL No.18 of 2024**

**JUDGMENT:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Bethi Venkateshwarlu, learned counsel for the appellant.

Mr. G.Vidya Sagar, learned Senior Counsel appears as *Amicus Curiae*.

2. In this appeal under Section 19 of the Contempt of Courts Act, 1971 (hereinafter referred to as, "the Act"), the appellant has assailed the validity of the order dated 20.08.2024 by which the contempt petition preferred by the appellant has been disposed of with a direction to the respondent to deposit the decretal amount along with interest either before the trial court or the first appellate court and the appellant, if entitled, has been given the liberty to withdraw the entire amount after dismissal of the appeal.

3. We had requested Mr. G.Vidya Sagar, learned Senior Counsel to assist us.

4. Learned *Amicus Curiae* has submitted that the appellant has no *locus* to file the appeal under Section 19 of the Act. In support of the aforesaid submission, reliance has been placed on the decision of the Supreme Court in **Om Prakash Jaiswal v. D.K.Mittal**<sup>1</sup>.

5. We have considered the submission made by the learned *Amicus Curiae*.

6. Section 19 of the Act 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.

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<sup>1</sup> (2000) 3 SCC 171

(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.”

7. In **State of Maharashtra v. Mahboob S. Allibhoy**<sup>2</sup> and **Midnapore Peoples' Cooperative Bank Limited v. Chunilal Nanda**<sup>3</sup>, the Supreme Court has held that an appeal under Section 19 of the Act lies only against an

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<sup>2</sup> (1996) 4 SCC 411

<sup>3</sup> (2006) 5 SCC 399

order imposing punishment in exercise of jurisdiction to punish for contempt.

8. The Supreme Court in **Om Prakash Jaiswal** (supra) in paragraph 17 has held as under:

“17. The jurisdiction to punish for contempt is summary but the consequences are serious. That is why the jurisdiction to initiate proceedings in contempt as also the jurisdiction to punish for contempt in spite of a case of contempt having been made out are both discretionary with the court. Contempt generally and criminal contempt certainly is a matter between the court and the alleged contemner. No one can compel or demand as of right initiation of proceedings for contempt. Certain principles have emerged. A jurisdiction in contempt shall be exercised only on a clear case having been made out. Mere technical contempt may not be taken note of. It is not personal glorification of a Judge in his office but an anxiety to maintain the efficacy of the justice administration system effectively which dictates the conscience of a Judge to move or not to move in contempt jurisdiction. Often an apology is accepted and the felony condoned if the Judge feels convinced of the genuineness of the apology and the prestige of the court having been restored. Source of initiation of contempt proceedings may be suo motu, on a reference being made by the Advocate General or any other person with the consent in writing of the Advocate General or on reference made

by a subordinate court in case of criminal contempt. A private party or a litigant may also invite the attention of the court to such facts as may persuade the court in initiating proceedings for contempt. However, such person filing an application or petition before the court does not become a complainant or petitioner in the proceedings. He is just an informer or relator. His duty ends with the facts being brought to the notice of the court. It is thereafter for the court to act on such information or not to act though the private party or litigant moving the court may at the discretion of the court continue to render its assistance during the course of proceedings. That is why it has been held that an informant does not have a right of filing an appeal under Section 19 of the Act against an order refusing to initiate the contempt proceedings or disposing of the application or petition filed for initiating such proceedings. He cannot be called an aggrieved party."

Thus, it is evident that a private party or a litigant may invite the attention of the Court with regard to violation of an order passed by the Court. However, such person filing an application or petition before the Court does not become a complainant or petitioner in the proceedings. He is just an informer or relator and his duty ends with the facts being brought to the notice of the

Court. Thus, he is not a person aggrieved and has no locus to file an appeal.

9. For the aforementioned reasons, the appeal is held to be not maintainable. However, the same is disposed of with the liberty to the appellant to take recourse to such remedy as may be available to her in law.

10. Before parting with the case, we place on record our appreciation for the able assistance rendered by the learned *Amicus Curiae*.

Miscellaneous applications pending, if any, shall stand closed.

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Sd/- K. SRINIVASA RAO  
JOINT REGISTRAR

SECTION OFFICER

To,

1. One CC to Mr. Bethi Venkateswarlu, Advocate [OPUC]
2. One CC to Mr. G. Vidya Sagar, Amicus Curiae, Advocate [OUT]
3. Two CD Copies

Njb/gh

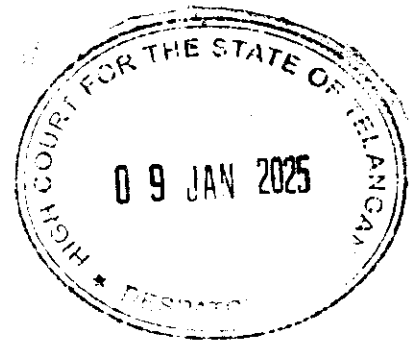


**HIGH COURT**

**DATED:13/12/2024**

**JUDGMENT**

**CA.No.18 of 2024**



**DISPOSING OF THE CONTEMPT APPEAL**

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