

HIGH COURT OF CHHATTISGARH, BILASPUR**MA No. 13 of 2014**

- Jaiprakash Shukla S/o Late G.P. Shukla Aged About 51 Years Ex. C.E.O. Janpad Panchayat, Jaijaipur, R/o Behind Sai Mandir, Daganiya, College Ward, Raipur, P.S. D.D. Nagar, Raipur, Tah. And Distt. Raipur C.G.

---- Appellant

Versus

1. Laxmin Bai Banjar, S/o Darashram Banjare, Aged About 30 Years R/o Parsadih, P.S. and Tah. Jaijaipur, Distt. Janjgir-Champa C.G.
2. Mansharam Banjare S/o Nokhelal Banjare, Aged About 40 Years, R/o Parsadih, P.S. and Tah. Jaijaipur, Distt. Janjgir-Champa C.G.
3. R.L. Ratre Advocate, R/o Jaijaipur, P.S. And Tah. Jaijaipur, Distt. Janjgir-Champa C.G.
4. Niranjana Shrivastava Advocate, Village- Kalmidih, Post- Beladula, P.S. And Tah. Jaijaipur, Distt. Janjgir-Champa C.G.

---- Respondents

For Appellant : Shri Satish Chandra Verma, Advocate.

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Chandra Bhushan Bajpai**

Order On Board By Prashant Kumar Mishra, J

30/06/2016

This is an appeal under Section 19 of the Contempt of Courts Act, 1971 challenging the order passed by the Single Judge refusing to exercise jurisdiction to punish for contempt.

2. As held by the Supreme Court in ***Banda Kanta Mishra v. Mr. Justice G.K. Mishra, CJ of Orissa High Court, AIR 1974 SC 2255***, if the Single Judge rejects a motion or a reference and declines to initiate proceedings for contempt, it refuses to assume or exercise jurisdiction to punish for contempt and such a decision cannot be regarded as a decision in the exercise of its jurisdiction to punish for a contempt,

therefore, such a decision would not fall within the ambit of Section 19 (1) of the Contempt of Courts Act, 1971 and no appeal would lie against such order.

3. In view of settled legal position, this appeal is not maintainable. Accordingly, it is dismissed as not maintainable.

Sd/-
Judge
(**Prashant Kumar Mishra**)

Sd/-
Judge
(**Chandra Bhushan Bajpai**)