



2026:AHC-LKO:2138-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 101 of 2007

Dr.Neeraj Chaubey Inre Crl.Misc.Case
No.1880c/2002

.....Appellant(s)

Versus

Prof.Kunj Bihari Naik Through Director Knit
Sultanpur

.....Respondent(s)

Counsel for Appellant(s)	:	In Person
Counsel for Respondent(s)	:	Lalit Shukla

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Dr. Neeraj Chaubey - appellant in person and Shri Lalit Shukla, learned counsel for the respondents.

2. This is a special appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 challenging the order dated 07.04.2004 passed by the learned Single Judge in Cr. Misc. Contempt Case No. 1880 (C) of 2002.

3. After hearing appellant in person and learned counsel for the respondents what comes out is that an order was passed on 07.04.2004 dismissing the contempt petition of the appellant bearing No. 1880 (C) of 2002, inter alia, on the ground of limitation and also as according to the learned Contempt Judge, the interim order dated 21.04.1992 had been complied. Prior to it, vide an order dated 30.10.2006 on an application filed by the appellant before the Contempt Court under Section 340 Cr. P.C. a cost of Rs.500/- was imposed upon him, therefore, that order has also been challenged. In fact, the said orders were challenged by filing an appeal under Section 19 of the Contempt of Court Act, 1971, but, at some point of time, on 24.01.2007, the Contempt Appeal was converted into Special Appeal referable to Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 and since then, has been proceeded accordingly. However, looking into the nature of the orders passed, as, it is nobody's

case that the order passed by the Contempt Court is without jurisdiction or he has decided any issue on merits of the matter which has not been decided by the Writ Court, the special appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 is not maintainable in view of the decision of Hon'ble the Supreme Court rendered in the case of ***Midnapore Peoples' Coop. Bank Ltd. and Ors. Vs. Chunilal Nanda and Ors.*** reported in ***(2006) 5 SCC 399 [Paragraph 11 (iv) and (v)]***. The remedy, if at all, was to challenge the said order/ orders before Hon'ble the Supreme Court by filing Special Leave Petition under Article 136 of the Constitution of India which has not been availed. It is unfortunate that this special appeal has remained pending for so long and in fact, an interim order has also been passed on 16.07.2007 staying the cost of Rs.500/- as imposed by the Contempt Court. The Court could not notice at that stage that the special appeal itself is not maintainable.

4. In view of what has been stated hereinabove, we are of the opinion that for exemption from paying cost of Rs.500/- as imposed vide order dated 30.10.2006, the appellant may be permitted to move an application for recall to that extent before the Contempt Court.

5. The writ petition out of which the contempt proceedings arose has remained pending since 1991. We find that its record has been tagged with this special appeal that is why it could not be listed before the learned Single Judge. We, accordingly, direct that the writ petition bearing Writ Petition No. 488 (M/S) of 1991 now renumbered as Writ - C No. 1000488 of 1991 should be listed before the learned Single Judge on 02.02.2026 amongst first five cases of the day.

6. We further request the learned Single Judge to kindly take up the said writ petition out of turn as far as possible depending upon the rush of work and make an effort to dispose it of at the earliest.

7. The Office is further directed to correct its computer records, as, after dismissal of the erstwhile Writ Petition No. 488 (M/S) of 1991 the order by which it was dismissed, has been recalled but the computer record continues to show it as dismissed.

8. The Senior Registrar of this Court at Lucknow to look into the matter

and do the needful.

9. With the aforesaid observations/directions, the writ special appeal is **disposed of.**

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

January 12, 2026
R.K.P.