



2026:AHC-LKO:6388-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 77 of 2026

Rajaram

.....Appellant(s)

Versus

Dr. Sachin Kumar Verma, Previously Posted As
S.D.O. Sarojini Nagar Lucknow and Another

.....Respondent(s)

Counsel for Appellant(s) : Raghaw Ram Upadhyay, Rama Niwas
Pathak

Counsel for Respondent(s) :

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

(C.M. Application No.1 of 2026)

1. This is an application seeking condonation of delay in filing the appeal.
2. Heard.
3. We have gone through the affidavit in support of the application seeking condonation of delay. Cause shown therein is sufficient and the same is also not inordinate. Accordingly, the application is allowed. Delay is condoned.

(Order on memo of the appeal)

4. Heard.
5. This is an appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952. Ordinarily a special appeal against an order or judgment passed by the contempt judge is not maintainable except where it is without jurisdiction or the contempt judge has entered into merits of the issues which have not been decided by the writ court. The contention in this case is that while dismissing the contempt petition, learned Single Judge has entered into merits of the matter. He has invited our attention to para nos.7 and 8 of the impugned order and according to learned counsel for the appellant, the observations and discussion contained therein will

have a bearing if a challenge is raised by the appellant to the order passed by the Sub-Divisional Magistrate in proceedings under section 38(2) of the U.P. Revenue Code, 2006. Hence, this appeal.

6. We have gone through the impugned judgment. This appeal is **disposed of** with a clarification of the impugned judgment to the effect that observations made therein in para nos.7 and 8 shall not be read in the event any challenge is raised as per law to the order dated 03.11.2025 passed by the Sub-Divisional Magistrate under section 38(2) of the U.P. Revenue Code, 2006, by the appellant.

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

January 29, 2026

Shanu/-