



2026:AHC:49023-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 243 of 2026

Arjun @ Arjun Lal Prajapati

.....Appellant(s)

Versus

Shri Madhusudan Hulgi, District
Magistrate/Collector and another

.....Respondent(s)

Counsel for Appellant(s)

: Rajnath Ydav

Counsel for Respondent(s)

:

Chief Justice's Court

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.**

1. This appeal is directed against order dated 19.01.2026 passed by the learned Single Judge in Contempt Application (Civil) No. 2658 of 2025, whereby the contempt petition has been found to be misconceived and has been dismissed.
2. Counsel for the appellant attempted to make submissions that the learned Single judge has not dealt with the issue as raised in the contempt petition on merits and in a wholly non-speaking manner, the contempt petition has been dismissed.
3. The special appeal has been filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952.
4. This Court in **Subhash Chandra Vs. Srikant Goswami and 2 others: 2024:AHC-LKO:58884-DB**, *inter alia*, laid down as under:

"69. The pith and substance of the aforesaid discussion, the legal principles involved and circumstances when an appeal may lie under Section 19 of the Contempt of Courts Act, 1971 and when a Special Appeal may lie from an order passed in contempt jurisdiction can be summarized as under:-

(A) Section 19 (1) of the Contempt of Courts Act can be invoked only when the Contempt Court has exercised its jurisdiction to punish for contempt. The essence of this provision is to provide a remedy against decision where the court has taken a definitive action to penalize a contemnor. This includes orders that impose fines, imprisonment, or other punitive measures directly related to the contemptuous

behavior. Interlocutory orders, which do not entail punishment for contempt, do not fall within the ambit of Section 19. Such orders may include directions to produce documents, file affidavits, or procedural directives necessary for the continuation of the contempt proceedings. These are routine judicial actions that facilitate the progress of the case but do not constitute a final determination on the issue of contempt. Routine orders passed during the pendency of contempt proceedings are also excluded from the scope of Section 19. These orders are typically procedural and administrative in nature, ensuring that the proceedings move forward without addressing the substantive issues of the original case or the merits of the contempt.

(B) The crux of the matter lies in the nuanced interpretation of what constitutes "merit" within the context of contempt proceedings, as referenced by the Supreme Court in the Midnapore Peoples Cooperative Bank Limited case. The term "merit" has not been defined in a straight jacket formula, leading to varying interpretations. However, a cumulative reading of the judgments provide clarity on several key aspects. In the Midnapore case, the Supreme Court held that in contempt proceedings, it is inappropriate to adjudicate or decide any issue related to the merits of the dispute between the parties. This principle aims to ensure that contempt proceedings do not encroach upon the substantive rights of the parties involved in the original dispute. The focus of contempt jurisdiction is to uphold the dignity and authority of the court, not to resolve the underlying dispute. The term "merit" in this context refers to the substantive issues of the original case that led to the contempt proceedings. It encompasses the core legal and factual questions that were or are being contested in the original litigation.

(C) Special appeals from the order or judgment of a single judge bench in contempt cases hinge on the distinction between addressing the merits of the original dispute and the conduct constituting contempt. The primary responsibility of the Contempt Court is to determine whether contempt has occurred and to impose appropriate sanctions if it has. The merits of the original controversy are outside the domain of the contempt court. However, when the Contempt Court issues directions or discusses the merits of the original controversy, it oversteps its jurisdiction. In such cases, a special appeal would lie to the High Court. This ensures that the original substantive issues are not inadvertently decided within the limited scope of contempt proceedings, preserving the parties' rights to a fair adjudication of their dispute.

(D) The interpretation of each case depends on its specific facts and circumstances. Courts must carefully distinguish

between orders that address the procedural aspects of contempt proceedings and those that encroach upon the substantive issues of the original case. This distinction is crucial to maintaining the integrity of contempt jurisdiction and ensuring that appeals under Section 19 of the Act of 1971 are appropriately limited to cases where punitive action for contempt has been taken. Thus, Special appeals in contempt cases are warranted only when the Contempt Court oversteps its jurisdiction by addressing the merits of the original dispute, ensuring that the substantive rights of the parties are protected. The interpretation of each case must consider the specific facts and circumstances to uphold the integrity of contempt jurisdiction and provide appropriate remedies for aggrieved parties."

5. The said judgment has been repeatedly followed in **Bhanu Pratap Singh Vs. Vikrant Vir and others: 2025:AHC:4796-DB** as well as **Alok Kumar Yadav Vs. Sri Ashish Kumar Pandey: 2025:AHC:152808-DB**.

6. As the order passed by contempt court does not deal with the merits of the pending writ petition and, therefore, the order does not fall within the parameters against which the intra court appeal/special appeal can be maintained.

7. Consequently, the appeal is dismissed as not maintainable.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

March 11, 2026

RK/AKShukla