

CWP-19068-2024 (O&M)

Court on its own motion

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This suo-motu cognizance has been taken by this Court in respect of the orders dated 17.07.2024 passed by the learned Single Judge in COCP-87-2022, where certain comments have been made lowering the majesty and dignity of Apex Court.

This Court is conscious of its limited powers under the appeal, but considering the decision of Apex Court in ***Midnapore Peoples' Coop. Bank Ltd. and others Vs Chunilal Nanda and others***, (2006) 5 SCC 399, wherein it has been held in categorical terms that where the learned Single Judge passes an order, which is though not appealable before the Division Bench, but while doing so exceeds the power and jurisdiction which the learned Single Judge exercises, an appeal can very well be entertained. The relevant extract of the said judgement is detailed below for ready reference and convenience:-

“11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarized thus:-

X X X X X X X
V. If the High Court, for whatsoever reason, decides an issues or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single and there is a provision for an intra-court appeal), or by seeking special leave to appeal under Article 136 of the Constitution of India (in other cases).”

In view of the above and to prevent any further damage to the reputation and majesty of the rule of law and the Supreme Court and also of this Court, the impugned order dated 17.07.2024 passed by the learned Single Judge in COCP-87-2022 shall remain stayed till the next date of hearing.

List on 22.08.2024.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

07.08.2024
 Amodh Sharma