

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No. _____/2026
(Arising out of SLP (C) No. 17581 OF 2026)

MOHAMMED HANISH

...APPELLANT

VERSUS

KADAKAMPALLY MANOJ

...RESPONDENT

ORDER

- 1.** Leave granted.
- 2.** Under challenge in this appeal is an interlocutory order dated 10th April, 2026¹ passed by a learned Single Judge of the High Court of Kerala at Ernakulam² on a contempt petition alleging willful and deliberate violation (by the appellant) of the order dated 24th July, 2024 while disposing of a writ petition³ of the respondent.
- 3.** The order under challenge, after recording that the appellant 'prima facie, committed the offence of civil contempt', has called upon him to appear before the Court on 18th May, 2026 to proceed further under Rule 14 of Contempt of Courts (High Court of Kerala) Rules, 1971⁴.
- 4.** We enquired from Mr. Gupta, learned senior counsel for the appellant, whether the order under challenge is amenable to challenge in an intra-court appeal before the High Court under the Kerala High Court Act,

1 in Contempt Case (C) No. 908 of 2025

2 High Court

3 W.P. (C) No. 25863 of 2020

4 1971 Rules

1958⁵. He submits that a Full Bench decision of the High Court in ***Suni B.T. v. Vinayaka Granities***⁶, has held that an appeal under Section 19(1) of the Contempt of Courts Act, 1971⁷ would not be maintainable against an order proceeding to frame a charge under Rule 14 of the 1971 Rules as the same is not in “the exercise of its jurisdiction to punish for contempt”.

5. We have heard Mr. Gupta and Mr. C.N. Sreekumar, learned senior counsel for the respondent. We have also perused the 1958 Act.

6. Section 5 of the 1958 Act reads as follows:

5. Appeal from judgement or order of Single Judge :-An appeal shall lie to a Bench of two Judges from a judgement or order of a Single Judge in the exercise of original jurisdiction. An appeal shall lie to a Bench of two Judges from a judgment of a Single Judge in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a subordinate court, where the Judge who passed the judgment declares that the case is a fit one for appeal.

(emphasis supplied)

7. In ***High Court of Allahabad v. Raj Kishore Yadav***⁸ and ***Tirupathi Rao v. M. Lingamaiah***⁹, this Court has held that an action for contempt — though instituted through a petition or an application — is essentially in the nature of original proceedings.

8. This alone comes to the aid of the appellant, as the appellant has a statutory remedy of appeal under Section 5 of the 1958 Act against an order passed in the exercise of original jurisdiction, such as the impugned order herein.

9. As regards the maintainability of an appeal under Section 19(1) of the 1971 Act, it is well settled that such an appeal lies only against an order of the high court imposing punishment for contempt, as Section 19 permits an appeal only from an “order or decision of the High Court in

5 1958 Act

6 2024 SCC OnLine Ker 7614

7 1971 Act

8 (1997) 3 SCC 11

9 (2024) 20 SCC 188

the exercise of its jurisdiction to punish for contempt.”

- 10.** Profitable reference, in this context, may be made to paragraph 7 of the judgment in **Baradakanta Mishra v. Justice Gatikrushna Misra**¹⁰; paragraphs 9 and 11 of **D.N. Taneja v. Bhajan Lal**¹¹; and paragraphs 3 and 4 of **State of Maharashtra v. Mahboob S. Allibhoy**¹².
- 11.** In **Midnapore Peoples' Cooperative Bank Ltd. v. Chunilal Nanda**¹³, after considering the judgments discussed aforesaid and others, this Court held as follows:

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

I. An appeal under Section 19 is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.

II. Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under Section 19 of the CC Act. In special circumstances, they may be open to challenge under Article 136 of the Constitution.

III. In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.

IV. Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of “jurisdiction to punish for contempt” and, therefore, not appealable under Section 19 of the CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under Section 19 of the Act, can also encompass the incidental or inextricably connected directions.

V. If the High Court, for whatsoever reason, decides an issue 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 Judge and

10 (1975) 3 SCC 535

11 (1988) 3 SCC 26

12 (1996) 4 SCC 411

13 (2006) 5 SCC 399

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). ...”

12. Approval of **Chunilal Nanda** (supra) by a 3-Judge Bench is found in **Ajay Kumar Bhalla v. Prakash Kumar Dixit**¹⁴.
13. The Full Bench decision of the High Court in **Suni B.T.** (supra), as cited by Mr. Gupta, does not express a contrary view.
14. Having regard to the above discussion, we are of the considered opinion that the order under challenge in this appeal has been passed in the exercise of original jurisdiction and since no punishment has yet been imposed on the appellant, for which the stage for him to appeal under Section 19 of the 1971 Act is not yet ripe, an intra-court appeal before the High Court would certainly be maintainable at his instance.
15. In such view of the matter, we decline to entertain this appeal. The same stands disposed of leaving it open to the appellant to pursue his remedy before the appropriate forum, if so advised.
16. Since, however, the appellant is required to appear before the learned Single Judge of the High Court on 18th May, 2026, we hope and trust that some breathing time would be given to the appellant to pursue his remedy in accordance with law as observed above.
17. Pending interlocutory application(s), if any, shall stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(SATISH CHANDRA SHARMA)

**New Delhi;
May 15, 2026.**

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 17581/2026

[Arising out of impugned final judgment and order dated 10-04-2026 in CCC No. 908/2025 passed by the High Court of Kerala at Ernakulam]

MOHAMMED HANISH

Petitioner(s)

VERSUS

KADAKAMPALLY MANOJ

Respondent(s)

IA No. 151729/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 15-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. Jaideep Gupta, Sr. Adv.
Mr. C. K. Sasi, AOR
Dr. K. K. Geetha, Adv.
Ms. Meena K Poullose, Adv.
Mr. Riddhi Bose, Adv.
Ms. Rishi Agarwal, Adv.
Ms. Racheeta Chawla, Adv.
Ms. Sampriti Bakshi, Adv.

For Respondent(s) :Mr. C.N. Sreekumar, Sr. Adv.
Ms. Priyanka Prakash, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order placed on the file.

(JATINDER KAUR)
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)