



\$~50

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 131/2025, CM APPL. 10643/2025 & CM APPL. 10644/2025

SHRI SURINDER SINGH YADAVAppellant
Through: Ms. Shreya Munoth, Mr. Ishan Karki and Ms. Ashwathi Menon, advs.

versus

ORIENTAL INSURANCE
COMPANY LIMITEDRespondent
Through: None

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

% **ORDER**
20.02.2025

1. To a query from the Court as to how an appeal would be maintainable against the judgment of the learned Single Judge which rejects the contempt petition filed by the appellant, Ms. Munoth places reliance on sub-para (v) in para 11 of the judgment of the Supreme Court in *Midnapore People's Cooperative Bank Ltd v Chunilal Nanda*¹, which reads thus:

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 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).

¹ (2006) 5 SCC 399



2. Ms. Shreya submits that her client is aggrieved by the fact that the learned Single Judge has, in the impugned judgment, dated 19 November 2024 returned in Contempt Case (C) 31/2024 entered certain findings and observations on the merits of the matter, which he could not have done and which, according to her, are erroneous.

3. We, therefore, issue limited notice in this appeal solely on the basis of the contention of Ms. Shreya that the impugned judgment contains direction or factual or legal observation which go beyond the contempt petition and which are factually or legally incorrect.

4. Issue notice.

5. Let notice be served on the respondent through learned Counsel who appeared on its behalf before the learned Single Judge.

6. Both sides are at liberty to place on record short note of their submissions not exceeding five pages each after exchanging copies with each other at least a week in advance of the next date of hearing.

7. Re-notify on 16 July 2025.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 20, 2025/dsn

Click here to check corrigendum, if any