

(2005) 09 AHC CK 0301

Allahabad High Court

Case No: Civil Miscellaneous Contempt Petition No. 2791 of 2005

Balwant Vidyapeeth Rural
Institute

APPELLANT

Vs

Shri Devraj Singh

RESPONDENT

Date of Decision: Sept. 7, 2005

Acts Referred:

- Contempt of Courts Act, 1971 - Section 20

Hon'ble Judges: S.P. Mehrotra, J

Bench: Single Bench

Advocate: Ranjit Saxena and Pradeep Tiwari, for the Appellant;

Final Decision: Dismissed

Judgement

S.P. Mehrotra, J.

The present Contempt Petition has been filed by the petitioner-applicant, inter-alia, praying for punishing the opposite party for allegedly committing contempt of this Court by disobeying the order dated 23.9.1989 (Annexure-1 to the affidavit accompanying the Contempt Petition) passed by this Court in Civil Misc. Writ Petition No. 17539 of 1989.

2. Relevant portion of the said order dated 23.9.1989 passed by this Court in the aforementioned Writ Petition, is quoted below:

The petitioner stated that since his services have been terminated, the Principal of the restitution has directed him to vacate the premises allotted to him within a month from 07-08-1989. In view of the fact that rainy season has started and the petitioner has stated that his son is reading in B.Sc. Classes at Bichpuri, I direct that the petitioner should be allowed to retain the accommodation allotted to him till May 1990.

3. It is submitted by Shri Pradeep Tiwari holding brief for Shri Ranjit Saxena, learned Counsel for the petitioner- applicant that despite the directions contained in the said order dated 23.9.1989, the opposite party has not vacated the accommodation in question till date. Therefore, the submission proceeds, the opposite party has committed contempt of this Court, and he is liable to be punished for the same.

4. I have considered the submissions made by Shri Pradeep Tiwari holding brief for Shri Ranjit Saxena, learned Counsel for the petitioner-applicant, and perused the record.

5. A perusal of the relevant portion of the said order dated 23.9.1989 parsed in the aforementioned Writ Petition shows that this Court permitted the petitioner-applicant to retain the accommodation in question till May, 1990. No further positive and specific direction was given that the petitioner would handover possession of the accommodation in question on the expiry of the said period in May, 1990, nor was there any direction for the petitioner-applicant to give any undertaking in this regard.

6. Therefore, it cannot be said that any directions given in the said order dated 23.9.1989 have been violated by the opposite party.

7. Even otherwise, in case the said order dated 23.9.1989 is construed as having directed the petitioner-applicant to vacate the accommodation in question on the expiry of the period in May, 1990, still the Contempt Petition on the ground of non-compliance of the said directions could have been filed by the end of May, 1991 in view of the provisions of Section 20 of the Contempt of Courts Act, 1971.

8. Section 20 of the Contempt of Courts Act, 1971 is as follows:

20. Limitation for actions for contempt--No court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.

9. In view of the provisions of Section 20 of the Contempt of Courts Act, 1971, it is not open to any Court to initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed, i.e., from the date on which the cause of action for filing the Contempt Petition has arisen.

10. In the present case, the opposite party was permitted to retain the accommodation in question till May, 1990. When the opposite party did not vacate the accommodation on the expiry of the month of May, 1990, the cause of action arose to the petitioner-applicant for filing the Contempt Petition on the ground of alleged non-compliance of the directions given in the said order dated 23.9.1989. Such Contempt Petition could be filed within one year of the date when the cause of action for filing the same arose on the expiry of the month of May, 1990, i.e., upto the end of May, 1991.

11. The present Contempt Petition has been filed on 5.9.2005.
12. Evidently, the present Contempt Petition is not maintainable in view of the provisions of Section 20 of the Contempt of Courts Act, 1971.
13. In view of the aforesaid discussion, the Contempt Petition lacks merit, and the same is liable to be dismissed.
14. The Contempt Petition is accordingly dismissed.