
(2004) 02 AHC CK 0002

In the Allahabad High Court

Case No : C.M. Contempt Petition No. 1010 of 1993

Naveen Chandra Asthana and Another	APPELLANT
Vs	
Smt. Ram Lali Singh, D.I.O.S., Mau and Another	RESPONDENT

Date of Decision : 20-02-2004

Acts Referred:

Contempt of Courts Act, 1971 — Section 12, 20

Citation : (2004) 5 AWC 4990

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

Bench : Single Bench

Advocate : Indra Raj Singh, for the Appellant;

Final Decision : Dismissed

Judgement

S.P. Mehrotra, J.—The present contempt petition has been filed u/s 12 of the Contempt of Courts Act, 1971. It is inter alia, prayed that the opposite parties be summoned and punished for having committed contempt of this Court by flouting the order dated 12.1.1993 passed by this Naveen Chandra Asthana v. District Inspector of Schools, Mau and Ors. Court in Civil Misc. Writ Petition No. 158 of 1993, Naveen Chandra Asthana v. District Inspector of Schools, Mau and Ors.

2. The present contempt petition was filed on 18.5.1993.

3. By the order dated 19.5.1993, the contempt petition was directed to be listed in the week commencing 12.7.1993.

4. A perusal of the record including the order sheet of the present contempt petition shows that even though the contempt petition was listed from time to time and certain orders were passed, but no order has so far been passed directing for issuance of notices to the opposite parties on the contempt petition.

5. It is, thus, evident that no notices have so far been issued to the opposite parties on the contempt petition.

6. In the circumstances, I am of the opinion that no useful purpose will be served

by directing for issuance of notices to the opposite parties on the contempt petition now after a lapse of about 11 years since the filing of the contempt petition.

7. There is yet another aspect of the matter.

8. Section 20 of the Contempt of Courts Act, 1971, lays down 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 the present case, as per the averments made in the affidavit accompanying the contempt petition, the contempt is alleged to have been committed in the year 1993. In view of the aforesaid provisions of Section 20 of the Contempt of Courts Act, 1971, it is not permissible for this Court to initiate any proceedings for contempt against the opposite parties now after a lapse of about 11 years since the alleged commission of contempt by the opposite parties in the year 1993.

10. In view of the aforesaid discussion, I am of the opinion that the contempt petition is liable to be dismissed as having become infructuous, and the same is accordingly dismissed as such.