

Mohinder Singh Vs. Iqbal Singh

Mohinder Singh Vs. Iqbal Singh

SooperKanoon Citation : sooperkanoon.com/687856

Court : Delhi

Decided On : Apr-07-1981

Reported in : 1981CriLJ1773; 20(1981)DLT20; 1981(2)DRJ155; 1981RLR407

Judge : Sultan Singh, J.

Acts : Contempt of Court Act, 1971 - Sections 10; [Constitution of India](#) - Article 215

Appeal No. : Contempt Civil Petition (Reference) No. 67 of 1979

Appellant : Mohinder Singh

Respondent : iqbal Singh

Advocate for Pet/Ap. : Sultan Yar Khan and; Girdhar Govind, Advs

Judgement :

Sultan Singh, J.

(1) Smt. Iqbal Kaur, landlady, filed a petition for eviction of the appellant. wherein an order of eviction was passed by the Controller on 7th November, 1973. Mohinder Singh, tenant filed an appeal before the Rent Control Tribunal and on 18th April, 1975 he made a statement withdrawing his appeal and sought time to vacate the premises up to 30th April, 1977. He also undertook to hand over vacant and peaceful possession of the premises in dispute to the respondents on or

before 1st May, 1977. The landlady alleges that the tenant did not deliver possession according to his undertaking. She therefore made an application on 15th March 1979 before the Rent Control Tribunal to take proceedings against the tenant under the Contempt of Courts Act, 1971. The Tribunal served the tenant by publication and referred the matter to this Court vide order dated 25th September, 1979. The tenant-contemner filed his reply. His contention is that the contempt proceedings initiated by the landlady are barred by time under Section 20 of the Contempt of Courts, Act, 1971. His second contention is that he vacated and surrendered the possession of the premises in question on 30th September, 1976 and that he has not been in occupation of the same since then.

(2) After hearing the parties, I find that the main question for decision is whether the contempt proceedings are within time within the meaning of Section 20 of the Contempt of Courts Act. This section reads as under :

'S. 20: 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.'

(3) A bare reading of the section shows that it operates as an absolute bar to initiation of contempt proceedings. Whether suo motu or at the instance of complaint after expiry of one year. It also appears that the starting point of the limitation is the date on which contempt is alleged to have been committed. In the instant case the tenant had undertaken to vacate the premises up to 30th April 1977. Thus he is deemed to have committed contempt on 1st May, 1977, up to which date he failed to fulfill his undertaking by delivery of possession to the landlady. The application admittedly was filed by the landlady for taking proceedings under the Contempt of Courts Act for the alleged violation of his undertaking on 15th March, 1979. The application having been filed after the expiry of one year from the date of the alleged contempt must therefore be held to be barred by time within the meaning of Section 20 of the Contempt of Courts Act, 1971. Learned Counsel for the landlady submits that under Section 22 of the Act the provisions of the said Act are in addition to, and not in derogation of the provisions of any other law relating to the contempt of courts. He submits that

under Article 215 of the [Constitution of India](#) there is no limitation for taking proceedings for contempt. That Article it appears applied to the contempt of the High Court itself. In the instant case before me the alleged contempt is of the Rent Control Tribunal before whom the tenant gave the undertaking. Moreover it seems to me that Section 22 of the Contempt of Courts Act does not control Section 20 of the said Act. In *Dr. P.L. Jauhar v. State of Rajasthan*, *N. Venkataramanappa v. D.K. Naikar and another*, : AIR1978 Kant57 and *Dineshbhai A. Parikh v. Kripalu Co-operative Housing Society Nagarvel, Ahmedabad and Others*, : AIR1980 Guj194, it has been held that Section 20 of the Contempt of Courts Act, 1971 is a complete bar for initiating contempt proceedings after the expiry of one year.

(4) I, therefore, hold that the present proceedings initiated by the landlady on 15th March 1979 are barred under Section 20 of the said Act. In view of this preliminary objection, I do not deem fit and proper to express any view on the merits of the case. Notice is discharged. No order as to costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com