

Proper Channel Vs. K. Jayakumar

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Court : Kerala

Decided On : Apr-12-2011

Judge : The Honourable Chief Justice Mr. J. Chelameswar & Antony Dominic

Appeal No. : Cont.Case No.481 of 2011

Appellant : Proper Channel

Respondent : K. Jayakumar

Judgement :

Antony Dominic, J.

1. Non - compliance of the direction contained in Annexure A1 Judgment dated 23rd January, 2009 has led the petitioner to file this Contempt Case.

2. As already stated above, the Judgment was rendered on 23rd January, 2009 and in view of the provisions contained in S.20 of the Contempt of Courts Act, the proceedings now initiated is barred by limitation. However, learned counsel for the petitioner contends that since no time limit is prescribed in the judgment for compliance of the direction, the limitation provided under S.20 of the Contempt of Courts Act is inapplicable.

3. We are unable to agree with the learned counsel. As indicated above, a Full Bench of this Court in Damodaran v. Cherkalam Abdulla, 2007 (2) KHC 58 : 2007

(2) KLT 171 : ILR 2007 (2) Ker. 6 : 2007 (2) KLJ 1 : AIR 2007 Ker. 153 has held that proceedings under the Contempt of Courts Act should be initiated within one year from the date on which the contempt of Court is alleged to have been committed. Though no time limit is prescribed for compliance, the direction should have been complied with within a reasonable time. If there was non - compliance, at that stage the petitioner should have approached this Court. The fact that time limit is not prescribed does not mean that the law of limitation is inapplicable. The Contempt Case is only to be dismissed.

The Contempt Case is dismissed.

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