

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Con.Case(C).No. 1053 of 2015 (S) IN WP(C).3247/2013

AGAINST THE ORDER/JUDGMENT IN WP(C) 3247/2013 of HIGH COURT OF KERALA
DATED 18-02-2013

PETITIONER(S)/PETITIONER/PETITIONER IN THE WRIT PETITION:

RUKIYA NASSER
PUTHENPURACKAL HOUSE, MALIPPURAM DESOM, ERNAKULAM.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENT(S)/RESPONDENT/3RD RESPONDENT IN THE WRIT PETITION:

BEGUM THAHIRA
THE TAHSILDAR, TALUK OFFICE, FORT KOCHI-650016.

R BY SENIOR GOVERNMENT PLEADER SRI. R. PADMARAJ

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

COC NO. 1053 OF 2015

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE I : TRUE COPY OF THE RELEVANT PORTION OF WRIT PETITION,
W.P.(C) NO. 3247/2013 BEFORE THE HONOURABLE HIGH COURT
OF KERALA, ERNAKULAM DATED 29.01.2013

ANNEXURE II : TRUE COPY OF THE JUDGMENT DATED 18.02.2013 IN
W.P.(C) NO. 3247 OF 2013 BEFORE THE HON'BLE
HIGH COURT OF KERALA, ERNAKULAM

ANNEXURE III: TRUE COPY OF THE NOTICE DATED 06.05.2013 FROM
THE TAHSILDAR, FORT KOCHI.

/TRUE COPY/

P.A. TO JUDGE

P.R. RAMACHANDRA MENON J.

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against

W.P.(C) No. 3247 of 2013

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Dated, this the 9th day of September, 2015

JUDGMENT

The petitioner has approached this Court seeking to proceed against the respondent in view of the scant regards paid to Annexure II judgment dated 18.02.2013 in W.P.(C) No. 3247 of 2013 stating that the verdict is still to be complied with. The operative portion of the judgment reads as follows :

"3. In the above circumstances, the third respondent is directed to finalize the proceedings, forming the subject matter of Ext. P4, in accordance with law, after hearing the petitioner, at the earliest, at any rate, within three months from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the third respondent for further steps.

2. Going by the undisputed pleadings, the matter ought to have been considered and finalized within three months from the date of receipt of copy of the judgment. In fact the judgment was passed on 18.02.2013 and the same was delivered on 23.03.2013. By virtue of

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the mandate of Section 20 of the Contempt of Court Act, the proceedings under the said Act had to be filed within one year from the date on which the contempt is alleged to have been committed, beyond which it will be barred by limitation. Earlier, a Full Bench of this Court as per the decision reported in **1995 (2) KLT 178 (FB) [Mayilswami Vs. State of Kerala]** had taken the view that there is no limitation for initiation of the Contempt of Court proceedings, in so far as the High Court is concerned. But referring to the law declared by the Apex Court on the point, the position has been clarified by another Full Bench of this Court as per the subsequent decision reported in **2007 (2) KLT 171 (F.B.) [Damodaran Vs. Cherkalam Abdulla]**, making it point blank that the contempt proceedings will stand time barred after expiry of one year. This contempt matter is seen filed on 21.07.2015 and as such the proceedings are barred by limitation.

3. The learned Government Pleader submits that the matter got delayed because of various circumstances and it was after taking much efforts that the relevant particulars were collected and that the judgment has now been complied with by passing the order on 11.08.2015, i.e., after filing the contempt of court

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proceedings. The learned Government Pleader submits that a copy of the order will be served to the counsel for the petitioner today itself. Since it is stated that the said order stands against the claim of the petitioner, the contempt of court proceedings are closed, without prejudice to the right of the petitioner to challenge the said order.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd