

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CONT.CAS(C) 173/2017 & CM APPL. 7661/2017

AVTAR VINAYAK

..... Petitioner

Through

Mr. Sandeep Kumar, Advocate

versus

SHIB RAWAT

..... Respondent

Through

None

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER****17.03.2017**

%

Present contempt petition has been filed alleging wilful disobedience of the order dated 16th September, 2010 passed in OMP No. 169/2010 whereby respondent was restrained from creating any third party interest in respect of first, second and third floors of property bearing no. 5045/9, Netaji Subhash Marg, Daryaganj, New Delhi during the pendency of the arbitration proceedings.

Learned counsel for the petitioner states that despite the aforesaid order, respondent has rented out the second floor of the property in question.

However, a perusal of the paper book reveals that vide letter dated 23rd February, 2015 the petitioner knew that possession of the second floor had been handed over to a third party and, in fact, by the said letter the petitioner had asked the police officials to take action on account of

violation of the aforesaid order.

Accordingly, even though the petitioner was aware of the alleged violation of the order dated 16th September, 2010 on 23rd February, 2015, yet the present contempt petition was filed only on 5th October, 2016.

The Contempt of Courts Act, 1971 prescribes a period of limitation of one year for filing contempt proceedings. Section 20 reads as under:-

“20. Limitation for actions for contempt. – No court shall initiate any proceedings of 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.”

Consequently, present contempt petition and application, being barred by limitation, are dismissed.

MANMOHAN, J

MARCH 17, 2017

rn