

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.82 OF 2016
IN
CONTEMPT PETITION (STAMP) NO.8237 OF 2016**

Manoj Hansraj Behal and Ors. ...Applicants
Versus
Madanlal Gupta and Ors. ...Respondents

.....

Mr. Suleman R. Saudagar for the Applicants
Mr. Pradeep D. Dalvi for the Respondent Nos.1 and 2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 26th AUGUST, 2019.

P.C.:-

By this application the Applicants have sought to condone delay in filing contempt petition.

2. Heard the learned counsel for the respective parties.

3. Section 20 of the Contempt of Courts Act, 1971 clearly stipulates that 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.

4. The Petitioner claims that the representatives of the

Respondent No.5 in the Appeal No.1419 of 2006 has not allowed the Court Receiver to enter the premises and had therefore willfully disobeyed the order dated 9th January, 2015. The Petitioner claims that the petition was lodged on 16/3/2016. Hence, there is delay of 65 days. The Petitioner claims that the delay was caused mainly due to his ill health.

5. It is seen that the petition was filed without filing application for condonation of delay. The application for condonation of delay was filed only on 25th April, 2016. Apart from a vague statement about medical ailment, no reasons are assigned for invoking powers under Section 5 of the Limitation Act. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)