



CONT P(MD)No.922 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

CONT P(MD)No.922 of 2022

in

W.P.(MD).No. 9282 of 2006

P.Thirumalai

... Petitioner/Petitioner

vs.

The Madurai City Municipal Corporation,
Represented by its Commissioner,
Mr.Simranjeet Singh Kahion,
Tallakulam, Madurai – 625 002.

... Respondent/Contemnor

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the contemnor/respondent herein, for the acts of Contempt of Court for the disobedience of the order passed in W.P(MD)No.9282 of 2006, dated 14.11.2006.

For Petitioner : M/s.P.Jessi Jeeva Priya

For Respondent : Mr.T.S.Mohamed Mahideen

ORDER

This Contempt Petition is filed alleging contempt of the order passed in W.P(MD)No.9282 of 2006, dated 14.11.2006.



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2. The learned counsel appearing for the respondent vehemently raised maintainability question, since the Contempt Petition was filed beyond the period of limitation of one year prescribed under Section 11 of the Contempt of Courts Act.

3. The order was passed by this Court on 14.11.2006 and the same was received by the Contemnor on 01.12.2006. Thereafter, one year limitation was lapsed as on 02.12.2007. Therefore, this Court is of the considered opinion that the contempt petition is not maintainable.

4. However, the issue involved in this case is granting fees to the Learned Counsel who appeared for the respondent Municipal Corporation.

5. The Learned Counsel appearing for the Contemnor submitted the order passed by this Court has been complied by the Contemnor. This Court had directed the Contemnor / Corporation to pass an order and the Contemnor had passed an order 14.07.2008 itself. If at all the petitioner is aggrieved by the said order, the petitioner ought to challenge the order, dated 14.07.2008. Thereafter



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there were some correspondence between the parties during the years 2008, 2010, 2015 and 2016. It is also seen that the petitioner has executed an affidavit dated 06.07.2016 and submitted the same before the contemnor/respondent. The petitioner prayed to direct the respondents to consider the claim of the petitioner along with the said affidavit.

6. Thereafter this Court is of the considered opinion that the petitioner is at liberty to challenge the said order dated 14.07.2008.

7. At this juncture the Learned Counsel appearing for respondent submitted that if the petitioner challenges the said order dated 14.07.2008, the respondents are at liberty to raise the ground of delay and laches. The learned counsel appearing for the Contemnors vehemently objected for condoning the delay of more than 10 years. Since there are several correspondence between the parties this Court is inclined to condone the delay and the delay is condoned and the petitioner is at liberty to challenge the said order dated 14.07.2008.



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8. With these observations, this Contempt Petition is closed.

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Index : Yes / No

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S.SRIMATHY, J

ksa

Order made in
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