

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1729 of 2024

In

Miscellaneous Jurisdiction Case No.3691 of 2013

Afzal Hussain Son of Late Serajuddin Hussain Resident of Mohalla- Dandai Phutkal Toli, Idgah Mohalla, P.O.- Somalia Rantu, P.S.- Rantu and District-Ranchi.

... .. Petitioner/s

Versus

1. Dr. Sunil Kumar Singh Son of not known Chairman, Bihar State Co-Operative Marketing Union Ltd., Biscomaun Bhawan, Patna.
2. Ram Pratap Singh, Son of not known Managing Director, Bihar State Co-Operative Marketing Union Ltd., Biscomaun Bhawan, Patna.
3. Kumar Gaurav, Son of Not Known Chief of Accounts, Bihar State Co-Operative Marketing Union Ltd., Biscomaun Bhawan, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. D.K. Singh, Sr. Advocate
Md. Abu Shajar, Advocate

For the Opposite Party/s : Mr. Vikas Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 22-08-2024 The present MJC / contempt petition is arising out of order dated 29.07.2015 passed in MJC No. 3691 of 2013. It is a contempt matter arising out of LPA No. 794 of 2010. There is no provision of law for filing second contempt when first contempt petition was dismissed. At best interlocutory application should have been filed to revive the earlier contempt petition (MJC No.



3691 of 2013). That apart filing of contempt petition should have been within one year from the date of cause of action accrued to the petitioner.

2. Learned counsel for the petitioner pointed out that there is no time limit stipulated in the LPA order dated 22.04.2011 passed in LPA No. 794 of 2010. In the absence of stipulated time limit, petitioner cannot knock the door of this Court in the contempt jurisdiction at any given point of time. The same is not acceptable in view of the fact that Section 20 of the Contempt of Courts Act, 1971 stipulates contempt petition to be filed within one year from the date of cause of action. Assuming that if there is no time limit stipulated, one has to draw inference order or direction is required to be complied within a reasonable period of three months from the date of receipt of the order. If such principle is taken note of, still there is enormous delay in filing the present contempt petition.

3. The petitioner could not appraise this Court which is the provision of law for filing second contempt petition even after passing remarks or observation made while dismissing earlier contempt petition. On these grounds, petitioner has not made out a case to initiate contempt action against respondents. Accordingly, present MJC contempt petition stands dismissed



on the ground of limitation. Reserving liberty to the petitioner to
file fresh writ petition, in accordance with law.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

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