



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1020 CONT. PETITION NO. 199 OF 2026

MARTIN SUNIL PARDHE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. P.G. Tambade, Advocate for petitioner

Mr. S.B. Pulkundwar, AGP for State

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CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.

DATE : 30th APRIL, 2026

ORDER :

. Present petition has been filed for taking cognizance of not adherence of the order passed by this Court in **Writ Petition No.12631 of 2022** (Martin Sunil Pardhe vs. The State of Maharashtra and others) dated 15.12.2022, whereby respondent No.2 therein was directed to consider the proposal dated 08.03.2019 and passed a reasoned order, on or before 28.02.2023.

2 Present petition has been filed on 08.09.2025 and the order that is allegedly violated is dated 15.12.2022. Section 20 of the Contempt of

Courts Act runs thus -

“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.”

3 In **S. Tirupathi Rao vs. M. Lingamaiah and others** [(2024) 20 SCC 188] note has been taken of the vires of Section 20 of the Act upheld by the Division Benches of the High Court of Andhra Pradesh, Karnataka and Calcutta. Need has been stressed for taking cognizance of the breach by the Courts at the earliest which was highlighted by the Joint Select Committee of the Parliament on Contempt of Court (Bhargava Committee) after examining the Report of Sanyal Committee on the question of limitation. Hon’ble Supreme Court has made following observations in paragraph 77 :

“77. Therefore, it would be correct to state that the court’s power when dealing with the question of contempt, in a sense, is discretionary. It cannot be gainsaid that even in cases where disobedience of the order of the court is not disputed, the court may also accept a defence, if raised, of impossibility to comply with an order and come to the conclusion that since it is impossible to enforce its order, action to punish may not be initiated. That apart, refusal may be justified by grave concerns of public policy. Much would depend on the facts and circumstances of the case, the nature of the contempt under enquiry, etc., which would enable the court to exercise its discretion either way. However, to demonstrate his *bona fide*, the contemnor ought to bring any valid defence for his disability

to comply with the court's direction to its notice without wasting any time. Whatever be the position before it, nothing stands in the way of the high court from passing an order to ensure that nothing impedes the course of justice."

Further, it has been observed that -

78. Reverting to the point of limitation, even in case of a petition disclosing facts constituting contempt, which is civil in nature, the petitioner cannot choose a time convenient to him to approach the Court. The statute refers to a specific time limit of one year from the date of alleged contempt for proceedings to be initiated; meaning thereby, as laid down in Pallav Sheth (supra), that the action should be brought within a year, and not beyond, irrespective of when the proceedings to punish for contempt are actually initiated by the high court.

79. An action for contempt - though instituted through a petition or an application - is essentially in the nature of original proceedings, as held by this Court in High Court of Judicature at Allahabad v. Raj Kishore Yadav; a fortiori, a prayer for condonation of delay in presenting the petition/application alleging contempt would not be maintainable. The express negative phraseology used in section 20 of the Act, as a legislative injunction, places a fetter on the court's power to initiate proceedings for contempt unless the petition/application is presented within the time-frame stipulated therein. However, since section 20 also uses the expression "date on which the contempt is alleged to be committed" as the starting point of the period of one year to be counted for reckoning whether the petition/application has been presented within the stipulated period, the high courts ought to be wary of crafty and skillful drafting of petitions/applications to overcome the delay in presentation thereof."

The caveat of continuing wrong / breach / offence has been explained and a caution has been given to the Courts while assessing as to whether the bar can be exempted under the teeth of continuing wrong. It

has been further observed that -

“If the bogey of “continuing wrong/breach/offence” is mechanically accepted whenever it is advanced as a ground for claiming exemption, an applicant may knock the doors of the Court any time suiting his convenience. If an action for contempt is brought belatedly, say any time after the initial period of limitation and years after the date of first breach, it is the prestige of the court that would seem to become a casualty during the period the breach continues. Once the dignity of the court is lowered in the eyes of the public by non-compliance of its order, it would be farcical to suddenly initiate proceedings after long gap of time. Not only would the delay militate against the legislative intent of inserting section 20 in the Act (a provision not found in the predecessor statutes of the Act) rendering the section a dead letter, the damage caused to the majesty of the court could be rendered irreparable. It is, therefore, the essence of justice that in a case of proved civil contempt, the contemnor is suitably dealt with, including imposition of punishment, and direction as well is issued to bridge the breach.”

4 We may also rely upon our own Judgment (to which SMT. JUSTICE VIBHA KANKANWADI was party) in **Mohammed Abdul Rahman s/o Mohammed Abdul Habib vs. The State of Maharashtra and others** in Contempt Petition No.935 of 2024 in Writ Petition No.9394 of 2015 decided on 29.11.2024 and relying upon **S. Tirupathi Rao** (supra) we had observed that if the petitioner intends to overcome the delay take shelter of the cause being a continuing wrong offering continuous cause of action it should be

specifically pleaded and properly explained. And further observation is that Hon'ble Supreme Court deprecated entertaining of stale claims of contempt.

5 Therefore, the petition is beyond the period of limitation.
Hence, the petition stands **dismissed**.

(AJIT B. KADETHANKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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