



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

118

COC-1063-2026

Date of Decision: 10.03.2026

RAJESH BENIWAL AND ANR.

.....Petitioners

Vs.

SUMITA MISHRA, IAS AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Raman B. Garg, Advocate with
Mr. Mayank Garg, Advocate and
for the petitioners.

Mr. Harish Nain, AAG, Haryana.

SUDEEPTI SHARMA J. (Oral)

1. The present contempt petition has been filed under Section 10 read with Section 12 of the Contempt of Courts Act, 1971, for non-compliance of judgment dated 06.07.1994, whereby the following direction was issued:-

“For the reasons recorded above, this petition is allowed and orders passed by the settlement officer and Director Consolidation, Annexures P-4 and P-5 are quashed. A Direction is issued that the respondent-authorities would partition the joint khewat in accordance with the law and in view of the directions issued in C.W.P. Nos 1641 of 1960 and 1209 of 1969. Let directions issued in this order be complied within three months from today positively. Petition is allowed with costs which are quantified at Rs. 3000/-.”



2. A bare reading of above referred to direction shows that these were to be complied with within three months from 06.07.1994. The present contempt petition is filed after delay of about 32 years, whereas the limitation under Section 20 of Contempt of Courts Act, 1971, is one year. Therefore, the present contempt petition is highly time barred.

3. This Court in ***M/s Monarch Tapes Ltd. Versus Arun Kumar Gupta, Additional Chief Secretary, Govt. Of Hry, Industries & Comm., Hry & Ors, Law Finder Doc ID 2824339***, held that limitation period for initiating contempt proceedings is one year under Section 20 of the Act and delayed contempt petition filed after 13 years is barred by limitation and cannot be entertained. Relevant paras of judgment are reproduced as under:-

"2. A perusal of the same shows that the present contempt petition is filed after a period of 13 years.

3. It would be apposite to reproduce Section 20 of 1971 Act, which is reproduced 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."

4. As per the requirement of the above referred to provision of 1971 Act, wherein, limitation is provided, the contempt can be filed within a period of one year and in the present case, the same has been filed after a delay of almost 13 years.

5. It is trite law as held by Hon'ble Supreme Court in S. Tirupathi Rao v. M. Lingamaiah and others, 2024 INSC 544, that Court must adhere to limitation period stipulated under Section 20 of the 1971 Act and once contempt petition was found to be barred by limitation, sufficient cause for delay must be shown by the petitioner.

6. The relevant extract of the same is reproduced as under:-



"28. Having held that the review jurisdiction was not available to be exercised by the Division Bench (review), reversal of the impugned order is the solitary conceivable outcome. However, the importance of the second legal issue cannot be over-emphasized. The purpose of the law of contempt is to secure public respect and confidence in the judicial process. We have found the law on the question of applicability of the principle of "continuous wrong/breach/offence" for the purpose of section 20 of the Act not too certain; hence, we feel it expedient to give a brief overview of the law of contempt and how such law has evolved and developed as well as chart out the course of action to be followed by the high courts while exercising contempt jurisdiction not only generally but also on the face of an objection as to maintainability of a time-barred action initiated by a party for civil contempt.

29. The power of the Supreme Court and a high court to punish for breach of its orders is expressly recognised by Articles 129 and 215 of the Constitution, respectively. It is an inherent power, distinguishable from a power derived from a statute. In R.L. Kapur v. State of Tamil Nadu (1972) 1 SCC 651, this Court pointed out that the inherent power or jurisdiction was neither derived from the statutory law relating to contempt nor did such statutory law affect such inherent power or confer a new power or jurisdiction. In view of the recognition of such power by the Constitution itself, they partake the character of constitutional power and consequentially no law made by legislature could take away the jurisdiction conferred on the Supreme Court and the high courts.

30. In Aligarh Municipal Board v. Ekka Tonga Mazdoor Union (1970) 3 SCC 98, this Court observed as follows:

*"5.*** Contempt proceeding against a person who has failed to comply with the Court's order serves a dual purpose: (1) vindication of the public interest by punishment of contemptuous conduct and (2) coercion to compel the contemner to do what the law requires of him. The sentence imposed should effectuate both these purposes.*

31. This Court in Jhareswar Prasad Paul v. Tarak Nath Ganguly (2002) 5 SCC 352, held that:

*11.** It is to be kept in mind that the court exercising the jurisdiction to punish for contempt does not function as an original or appellate court for determination of the disputes between the parties. The contempt jurisdiction*



should be confined to the question whether there has been any deliberate disobedience of the order of the court and if the conduct of the party who is alleged to have committed such disobedience is contumacious. The court exercising contempt jurisdiction is not entitled to enter into questions which have not been dealt with and decided in the judgment or order, violation of which is alleged by the applicant. The court has to consider the direction issued in the judgment or order and not to consider the question as to what the judgment or order should have contained. At the cost of repetition, be it stated here that the court exercising contempt jurisdiction is primarily concerned with the question of contumacious conduct of the party, which is alleged to have committed deliberate default in complying with the directions in the judgment or order.

38. Much water has flown under the bridge since the aforesaid decided cases. Having regard to some extreme cases of exercise of contempt power increasing over a period of time, a three-Judge Bench of this Court in State of Uttar Pradesh v. Association of Retired Supreme Court & High Court Judges (2024) 3 SCC 1 speaking through the Hon'ble the Chief Justice of India had to devise a Standard Operating Procedure "SoP for being followed by the high courts while summoning public officials, alleged to be in contempt, to be physically present in court. Deeply concerned with the lack of self-restraint shown in the exercise of contempt power in certain cases, the Bench directed framing of rules by all the high courts in terms of the SoP, as devised. This Court noted in such decision that mandating the physical presence of a contemnor, specifically in the case of public officials, comes at a cost to the public interest and efficiency of public administration, and thus ought not to be resorted to at the drop of a hat.

71. First, it is trite that the court cannot traverse beyond the pleadings and make out a case which was never pleaded, such principle having originated from the fundamental legal maxim secundum allegata et probate, ie., the court will arrive at its decision on the basis of the claims and proof led by the parties. The assertion of the contumacious conduct being in the nature of a "continuing wrong/breach/offence" is factual and has to be borne from the pleadings on record. Law is, again, well-settled that when a point is not traceable in the pleas set out either in a plaint or a written statement, findings rendered on such point by the court would be unsustainable as that would amount to an altogether new case being made out for the party. Absent such pleading of there being a "continuing wrong/breach/offence", the



finding returned by the Single Judge, since affirmed by the Division Bench (review), cannot be sustained in law.

72. Even if a point of "continuing wrong/breach/offence" is traceable in the pleadings, the court ought not to accept it mechanically; particularly, in entertaining an action for contempt, which is quasi-criminal in nature, the court should be slow and circumspect and be fully satisfied that there has indeed been a "continuing wrong/breach/offence".

75. The English Court of Appeals in National Coal Board v. Galley [1958] 1 All ER 9 distinguished between the two scenarios by observing that neither do repeated breaches of continuing obligations constitute a continuing wrong nor intermittent breaches of a continuing obligation; rather there has to be present an element of continuance in both, the breach and the obligation.

*76. This Court too, as far back as in 1958, with reference to the Limitation Act of 1908, discussed in **Balkrishna Savalram Pujari v. Shree Dnyaneshwar Maharaj Sansthan AIR 1959 SC 798** what would constitute a continuing wrong. The relevant passage reads thus:*

*"20.*** Section 23 refers not to a continuing right but to a continuing wrong. It is the very essence of a continuing wrong that it is an act which creates a continuing source of injury and renders the doer of the act responsible and liable for the continuance of the said injury. If the wrongful act causes an injury which is complete, there is no continuing wrong even though the damage resulting from the act may continue. If, however, a wrongful act is of such a character that the injury caused by it itself continues, then the act constitutes a continuing wrong. In this connection it is necessary to draw a distinction between the injury caused by the wrongful act and what may be described as the effect of the said injury. It is only in regard to acts which can be properly characterised as continuing wrongs that Section 23 can be invoked.****

*As soon as the decree was passed and the appellants were dispossessed in execution proceedings, their rights had been completely injured, and though their dispossession continued, it cannot be said that the trustees were committing wrongful acts or acts of tort from moment to moment so as to give the appellants a cause of action *de die in diem*. **We think there can** be no doubt that where the wrongful act complained of amounts to ouster the resulting injury to the right is complete at the date of the*



ouster and so there would be no scope for the application of Section 23 in such a case.

77. The decision of this Court in *Balkrishna Savalram Pujari (supra)* was endorsed by this Court in ***M. Siddiq (Ram Janmabhumi Temple-5 J.) v. Suresh Das (2020) 1 SCC 1*** wherein, while concluding that the ouster of shebaitship was a single incident and did not constitute a continuing wrong, this Court further observed as follows:

"343. The submission of *** is based on the principle of continuing wrong as a defence to the plea of limitation. In assessing the submission, a distinction must be made between the source of a legal injury and the effect of the injury. The source of a legal injury is founded in a breach of an obligation. A continuing wrong arises where there is an obligation imposed by law, agreement or otherwise to continue to act or to desist from acting in a particular manner. The breach of such an obligation extends beyond a single completed act or omission. The breach is of a continuing nature, giving rise to a legal injury which assumes the nature of a continuing wrong. For a continuing wrong to arise, there must in the first place be a wrong which is actionable because in the absence of a wrong, there can be no continuing wrong. It is when there is a wrong that a further line of enquiry of whether there is a continuing wrong would arise. Without a wrong there cannot be a continuing wrong. A wrong postulates a breach of an obligation imposed on an individual, where positive or negative, to act or desist from acting in a particular manner. The obligation on one individual finds a corresponding reflection of a right which inheres in another. A continuing wrong postulates a breach of a continuing duty or a breach of an obligation which is of a continuing nature. ...

...

Hence, in evaluating whether there is a continuing wrong within the meaning of Section 23, the mere fact that the effect of the injury caused has continued, is not sufficient to constitute it as a continuing wrong. For instance, when the wrong is complete as a result of the act or omission which is complained of no continuing wrong arises even though the effect or damage that is sustained may enure in the future. What makes a wrong, a wrong of a continuing nature is the breach of a duty which has not ceased but which continues to subsist. The breach of such a duty creates a continuing wrong and hence a defence to a plea of limitation."



4. In view of the above, the present contempt petition is hopelessly time barred. Therefore, the same stands dismissed.

5. Pending application (s) if any, also stands disposed of.

10.03.2026

(SUDEEPTI SHARMA)

P. Seth

JUDGE

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No