

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: C.C.No.2953 of 2025

PROCEEDING SHEET

Sl.No	DATE	ORDER	OFFICE NOTE
	21.01.2026	<u>NV, J</u> <u>I.A.No.1 of 2025</u> Heard the learned counsel for the petitioner. Learned counsel for the petitioner submits that this application is filed seeking exemption in filing the contempt case as per Section 20 of the Contempt of Courts Act, 1971. Learned counsel for the petitioner relied upon the ratio laid down by the Hon'ble Apex Court in <i>S.Tirupathi Rao vs. M.Lingamaiah & Ors</i>, which is extracted hereunder: <i>“55. The Act, which is a special law on the subject of contempt, does not expressly or by necessary implication exclude the applicability of sections 4 to 24 of the 1963 Act. This Court, in State of West Bengal v. Kartick Chandra Das⁴⁴ has held that in terms of section 29(2) of the 1963 Act, provisions contained in section 5 of the 1963 Act can be called in aid by a party who seeks condonation of delay in presentation of an appeal under section 19(1) of the Act. Similarly, in exceptional cases, provisions like sections 12, 14, 17, 22, etc. of the 1963 Act could be invoked to seek exemption from the law of limitation, which is distinct from condonation of delay. In an appropriate case, it would be open to the party who has not petitioned the court within the period of one year, as stipulated in section 20</i>	

		of the Act, to seek exemption from the law of limitation in line with the principle flowing from Order VII Rule 6, CPC⁴⁵, by showing the ground upon which such exemption is claimed. We have no hesitation to hold that in a case where a civil contempt is alleged by a party by referring to a “continuing wrong/breach/offence” and such allegation prima facie satisfies the court, the action for contempt is not liable to be nipped in the bud merely on the ground of it being presented beyond the period of one year as in section 20 of the Act. Applicability of the principle underlying Order VII Rule 6, CPC for granting exemption would only be just and proper having regard to the object and purpose for which the jurisdiction to punish for contempt is exercised by the courts if, of course, the court is satisfied that benefit of such an exemption ought to be extended in a given case. At the same time, it must be remembered that the court cannot grant exemption from limitation on equitable consideration or on the ground of hardship. Inspiration in this regard may be drawn from the decision of the Privy Council in Maqbul Ahmad v. Onkar Pratap Narain Singh⁴⁶. However, as observed earlier, contempt proceedings being in the nature of original proceedings, akin to a suit, application of section 5 of the 1963 Act to seek condonation of delay is excluded. 56. A caveat needs to be added here. For a “continuing wrong/breach/offence” to be accepted as a ground for seeking exemption in an action for contempt, the party petitioning the court not only has to comprehend what the phrase actually means but would also be required to show, from his pleadings, the ground resting whereon he seeks exemption from limitation. Should the party fail to satisfy the court, the petition is liable to outright rejection. Also, the	
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		<i>court has to be vigilant. Stale claims of contempt, camouflaged as a “continuing wrong/breach/offence” ought not to be entertained, having regard to the legislative intent for introducing section 20 in the Act which has been noticed above. Contempt being a personal action directed against a particular person alleged to be in contempt, much of the efficacy of the proceedings would be lost by passage of time. Even if a contempt is committed and within the stipulated period of one year from such commission no action is brought before the court on the specious ground that the contempt has been continuing, no party should be encouraged to wait indefinitely to choose his own time to approach the court. 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 lapse 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</i>	
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		<i>the breach.”</i> Learned counsel for the petitioner further submits that the delay in filing contempt petition is caused due to Writ Appeal filed by the respondents herein and the same is pending for consideration, the petitioner herein waited for the orders in the Writ Appeal. But after hearing, the Writ Appeal was posted for final hearing without there being any interim orders. After having clarification that this Court not passed any orders in Writ Appeal, then the petitioner submitted representation for implementation of the orders. In view of pendency of the writ appeal, it cannot be said that the cause of action as well as the contempt is started within one year from the date of the orders of this Court. Therefore, the contempt petition cannot be thrown away on the ground it is not filed within one year from the date of alleged contemptuous act said to have been started as per Section 20 of the Contempt of Courts Act. Considering the submissions of the learned counsel for the petitioner and on perusal of the ratio laid down by the Hon’ble Apex Court as mentioned supra, the petitioner is entitled for exemption under section 20 of the Contempt of Courts Act. Accordingly, I.A.No.1 of 2025 is ordered. <u>C.C.No.2953 of 2025</u> For filing counter-affidavit, list the matter on 23.02.2026. _____ NV, J TPS	
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