



CGHC010327542022

HIGH COURT OF CHHATTISGARH AT BILASPUR**CONT No. 983 of 2022****NARGISH & ORS. *versus* AVINASH CHOUHAN****Order Sheet**

27.07.2026	Mr. Hemant Gupta, Counsel for the petitioners. Mr. Yashwant Singh Thakur, Senior Advocate assisted by Mr. Navoday Singh, Counsel for the respondent. From perusal of the document enclosed along with the contempt petition would show that in Second Appeal No. 745 of 2019 vide order dated 19.03.2020 Court ordered that mutation proceedings shall remained stayed till the next date of hearing. The document Annexure C-3 the order of the Tehsildar, Kunkuri, District- Jashpur (C.G.) shows that the case was fixed for hearing on 28.01.2021. On the said date the Tehsildar has recorded the proceedings that respondent / non-applicant therein produced the copy of

order dated 13.03.2020 in Second Appeal No. 745 of 2019 and have further recorded that in the said order there is no order of stay of execution proceedings and have directed to mutate the judgment later.

When Court put specific query to learned counsel for the respective parties, regarding order dated 13.03.2020 in Second Appeal no. 745 of 2019, upon which learned counsels submits that on 13.03.2020 the case was not listed and, therefore, there was no order on 13.03.2020.

Learned senior counsel for the respondent fairly submits that he has gone through the record of second appeal and there is no proceeding on 13.03.2020.

From the aforementioned facts of the case it appears that the order dated 13.03.2020 as mentioned in the order sheet dated 28.01.2021 of Tehsildar is an order of 19.03.2020.

From the aforementioned proceedings, it also shows that the Tehsildar has passed an order of mutation with deliberate and willful disobedience of the order dated 19.03.2020.

At this stage, learned senior counsel for respondent submits that there is delay in filing of this contempt petition.

	The order is dated 19.03.2020 and the writ petition is filed on 10.10.2022 and, therefore, no contempt proceedings can be drawn against the respondent. Learned counsel for the petitioners would submit that initially petitioners have filed a contempt petition against the order dated 28.01.2021, in the month of April, 2022. The said contempt petition came to be dismissed by peremptory order dated 29.04.2022. Petitioners thereafter, had filed an application for restoration of the contempt petition which was withdrawn on 26.08.2022 with liberty to file fresh contempt petition and thereafter, this contempt petition was filed on 10.10.2022. He submits that the initial order which is passed in disobedience of the order dated 19.03.2020 is dated 28.01.2021. The period of limitation would start from 28.01.2021. Hon'ble Supreme Court in miscellaneous application no. 21/2022 considering the peculiar situation during that period due to the outbreak of Covid-19 pandemic has excluded the period of limitation from 15.03.2020 till 28.08.2022 and thereafter, further period has been granted and, therefore, in view of the decision of Hon'ble Supreme Court in aforementioned case this contempt petition is filed within the period of limitation.
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	Interim order in Second Appeal No. 745 of 2019 is dated 19.03.2020 which is within the period of 15.03.2020 till 28.01.2022 i.e. the period excluded for the purpose of limitation. Hon'ble Supreme Court in aforementioned case has observed as under:- “In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2020. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.” In the extracted paragraph of the order passed by Hon'ble Supreme Court on 10.01.2022 it is clearly mentioned that after exclusion of the period from 15.03.2020 till 28.02.2022 for the purpose of the limitation the actual balance period of limitation remaining, all persons have a limitation of period of 90 days which is to start from 01.03.2022 It is further observed that in the event, actual balance period of limitation from 01.03.2022 is greater than 90 days the longer period shall apply. In the case at hand, the period of limitation under Section 20 of the Contempt of Court Act is one year and,
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therefore, if the period of limitation is to start from 01.03.2022 it will end on 28.02.2023, whereas this contempt petition is filed on 10.10.2022 which in the considered opinion of this Court is within the period of limitation of one year in the light of the order dated 10.01.2022 of Hon'ble Supreme Court. Hence the objection raised by learned senior counsel for the respondent is not sustainable. Accordingly it is **repelled**.

Let the respondent appear before this Court on **24th of August, 2026** for further proceedings.

Sd/-

(Parth Prateem Sahu)

Judge