

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**
***THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

CONTEMPT CASE No.1636 of 2025

% 17.03.2026

Nagatham Suneetha & another

.....Petitioners

And:

\$1. Nagatham Muni Rajamma (died) &
3 others

....Respondents.

!Counsel for the petitioner

: Ms. Nimmagadda Revathi

^Counsel for the respondent

: Sri Y.N.Vivekananda along with
Sri Deepak Misra

<Gist:

>Head Note:

? Cases referred:

1. 2025 SCC OnLine SC 1252
2. 2009 (4) SCC 213
3. 2023(2) ALD 693 (AP)
4. 2016(1) ALD 579 (DB)
5. (2013) 14 SCC 127
6. (1984) 3 SCC 405
7. (2007) 11 SCC 374
8. (2014) 7 SCC 280

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* * * *

CONTEMPT CASE No.1636 of 2025

DATE OF JUDGMENT PRONOUNCED: 17.03.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

- | | |
|--|--------|
| 1. <i>Whether Reporters of Local newspapers may be allowed to see the Judgments?</i> | Yes/No |
| 2. <i>Whether the copies of judgment may be marked to Law Reporters/Journals</i> | Yes/No |
| 3. <i>Whether Your Lordships wish to see the fair copy of the Judgment?</i> | Yes/No |

**_____
RAVI NATH TILHARI,J**

**_____
MAHESWARA RAO KUNCHEAM,J**

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM
C.C.No.1636 of 2025

ORDER:-*(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Ms.Nimmagadda Revathi, learned counsel for the contempt petitioners and Sri Y.N.Vivekananda, learned counsel along with Sri Deepak Misra, learned counsel (appearing through virtual mode) for the respondent No.2.

2. Respondent No.2 - Sri Nagatham Mukunda Reddy is present in person.

FACTS:

3. The present Contempt Petition has been filed by the petitioners against the respondent No.2 (respondent Nos.1, 3 & 4 are deceased) for willful disobedience of the interim order dated 16.07.2021 passed in I.A.No.1 of 2021 in A.S.No.1280 of 2017 pending in this Court.

4. The contempt petitioners are the respondent Nos.1 & 2 in A.S.No.1280 of 2017 and the respondent No.2 is the appellant No.2 in the appeal. The contempt petitioners are the plaintiffs in O.S.No.139 of 2009 on the file of V Additional District Judge, Tirupati which was decreed on 06.09.2017 against which the present respondent No.2, along with one another (deceased), has filed the appeal.

INTERIM ORDER IN APPEAL:

5. In the Appeal A.S.No.1280 of 2017, I.A.No.1 of 2021 was filed by respondent No.2 for release of the original documents marked as Exs.B2 to B7 in the suit before the learned Trial Court. The application was opposed by the petitioners. A Co-ordinate Bench of this Court however ordered I.A.No.1 of 2021 vide order dated 16.07.2021, in the following terms:

"8. In the above said circumstances, this court feels that as it takes much time for listing of the main appeal for final hearing this application is considered now for the interregnum period subject to the following conditions:

1) The Registry shall return the original documents/Exs.B2 to B7 marked in O.S.No.139 of 2009 on the file of V Additional District Judge, Tirupati, to the petitioners herein on furnishing the certified copies of the same in advance to the Registry by way of substitution,

2) the above said original documents shall be released to the petitioners herein under a proper receipt and endorsement,

3) the petitioners shall not create either any third party rights over the suit schedule properties or alter the same basing upon the above said documents,

4) the petitioners shall not pledge/mortgage the above said original documents in any manner for any purpose, and

5) the petitioners shall return the said original documents to the Registry of this court at the time of hearing and disposal of the main appeal by this court.

Accordingly, the Interlocutory Application is ordered."

6. The application was thus allowed, subject to the conditions inter-alia, in clause (3) that the respondent No.2 herein (appellant in A.S.No.1280 of 2017) shall not create either any third party rights over the suit schedule properties or alter the same basing upon the above said documents; and in clause (4) that they (appellants) shall not pledge/mortgage the original documents in any manner for any purpose. They were also directed in clause (5) to return the

original documents to the Registry at the time of hearing and disposal of the A.S.No.1280 of 2017.

7. The Respondent No.2 (appellant in A.S.No.1280 of 2017) filed I.A.No.2 of 2021 for modification of the order dated 16.07.2021. The same was rejected by order dated 04.08.2022 which reads as under:

“This application is filed by the petitioner-2nd appellant to permit him to pledge the original documents in respect of agricultural property in Schedule A of item No.2 before the Nationalised bank.

Learned counsel for the petitioner while reiterating the averments stated in the accompanying affidavit, submits that the petitioner has no other property except the schedule property. Petitioner has two sons who are pursuing their education in private schools. The petitioner and his family have to sustain their livelihood from the subject property alone. There is no other source of income except to utilize the benefits of the subject property. As this Court while ordering I.A.No.1 of 2021 directed that the petitioner shall not pledge or mortgage the original documents in any manner for any purpose, the petitioner is not in a position to utilise the schedule property for survival of his family. Hence, this application is filed seeking permission to pledge the agricultural land of his $\frac{3}{4}$ share for getting loan from Nationalised Bank to meet his financial needs.

Respondents 1 & 2 filed counter.

Smt Nimmagadda Revathi, learned counsel appearing for the respondents 1 & 2 while reiterating the averments in the counter, submits that the 1st respondent is the wife of the own brother of the petitioner/2nd appellant and the 2nd respondent is the minor daughter. The petitioner is receiving rents of more than Rs.1,00,000/- from items 1 & 2 of A schedule property by giving the same for lease. On the other hand, though the respondents obtained preliminary decree for partition, as no final decree is passed, they are not able to reap the benefits of the subject property and the respondents are, in fact, in need of money. The respondents are striving for their livelihood. In view of the conditions imposed by this Court in I.A.No.1 of 2021, the petitioner is not entitled for any relief in this application.

Upon hearing both the learned counsel and on perusal of the record, for the financial difficulties expressed by the petitioner, this Court is not inclined to grant the relief to the petitioner more particularly in view of the condition imposed by this Court while ordering I.A.No.1 of 2021.

Accordingly, the Application is dismissed.”

ACT OF DISOBEDIENCE:

8. Inspite of the aforesaid orders, the respondent No.2 herein created a mortgage by depositing original documents with the Tirupati Co-operative Bank Limited, Tirupati for item No.1 of the plaint 'A' schedule property by a Mortgage Deed vide document No.4299 of 2023 dated 07.08.2023.

9. Respondent No.2 thereafter sold away item No.1 of the plaint A schedule property to 3rd parties under registered sale deed vide document No.25358 of 2024 dated 10.12.2024 during pendency of the appeal.

10. The Contempt Petition was filed with the aforesaid averments.

11. The respondent No.2 was granted time to file response.

ORDERS IN C.C.NO.1636 of 2025:

12. On 12.11.2025, 15.12.2025, 23.12.2025 orders were passed in the contempt case which read as under:-

12.11.2025:

"

6. Let the memo be served on the learned counsel for the appellant, who is granted liberty to file response to the said C.C. pending consideration of issuance of notice.

7. List after four weeks."

15.12.2025:

"I.A.No.1 of 2025 has been filed in A.S.No.1280 of 2017 to implead proposed respondent Nos.5 & 6. This petition has been filed on the ground that the appellants alienated the property inspite of the order dated 16.07.2021, by which inter-alia it was provided that "the petitioners(appellants) shall not create either any third party rights

over the suit schedule properties or alter the same basing upon the above said documents.”

2. Learned counsel submits that inspite thereof, the appellant had made transfer in favour of proposed respondent Nos.5 & 6.

3. Notice was issued in I.A.No.1 of 2025. However, no one represents the proposed respondents as per the office report.

4. **In CC.No.1636 of 2025 which arises for the violation of the order dated 16.07.2021 passed in the appeal on the ground of aforesaid facts, Sri Ch.Venkata Challa Rao, learned counsel makes appearance for the appellant (respondent No.2 in C.C.).**

5. **Learned counsel who represents Sri Ch.Venkata Chall Rao, learned counsel for the appellant (respondent No.2 in Contempt case) is not in a position to submit response.**

6. Post on 23.12.2025.

7. The appellant shall appear on the next date of listing.”

23.12.2025:

“In A.S.No.1280 of 2017, on 16.07.2021 a Co-ordinate bench had passed the following order;

“The petitioners herein who are the appellants in the main appeal filed this interlocutory application in A.S.No.1280 of 2017 pending on the file of this court for release of original documents, which are marked as Exs.B2 to B7 before the V Additional District Judge, Tirupati, in O.S.No.139 of 2009 against which the present appeal arises. The respondents 1 and 2 herein in the interlocutory application and as well as in the main appeal filed the counter affidavit opposing the above said prayer.

2. Heard the learned counsel for the petitioners/appellants and the learned counsel for the respondents/respondents.

3. The respondents 1 and 2 initiated action in O.S.No.139 of 2009 on the file of V Additional District Judge, Tirupati seeking for partition of the plaint schedule properties and allotment of 4/15th share to them and separate possession of the same along with costs against the petitioners and respondent Nos.3 and 4 herein. The same was decreed partly declaring that the plaintiffs herein have got 1/4th share in item Nos.1 and 2 of plaint 'A' schedule property. Accordingly, a preliminary decree was passed vide its judgment, dated 06.09.2017.

4. Aggrieved by the same, the petitioners/2nd and 3rd defendants therein preferred an appeal before this court and this court passed an interim order dated 19.12.2017 staying the passing of final decree pending further orders with a permission to go on with the other proceedings up to that stage. However, the petitioners herein filed the present application before this court seeking for return of the original documents marked as Exs.B2 to B7 in the suit on the ground that they are required for their personal use with an undertaking that they are not going to create any third party rights with respect to the suit schedule properties basing upon the above said documents.

5. Opposing the same, the respondents 1 and 2 as stated above filed counter stating that if the above said original documents are returned, they would create unnecessary litigation to grab the suit schedule properties pending the appeal and in such an event, they would be put to an irreparable loss and hardship. Further stated that the trial court also rightly discarded the alleged Wills marked under Exs.B5 and B7 as fabricated and created fraudulently for the purpose of the suit and disbelieved the case of the defendants/petitioners/appellants herein.

6. The learned counsel for the respondents also refer to the following provision of law:

"Order XIII Rule 9 CPC:

9. Return of admitted documents.- (1) Any person, whether a party to the Suit or not, desirous of receiving back any document produced by him in the suit and placed on the record shall, unless the document is impounded under rule 8, be entitled to receive back the same,

(a) where the suit is one in which an appeal is not allowed, when the suit has been disposed of, and

(b) where the suit is one in which an appeal is allowed, when the court is satisfied that the time for preferring an appeal has elapsed and that no appeal has been preferred or, if an appeal has been preferred, when the appeal has been disposed of:

Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying there for

(a) delivers to the proper officer for being substituted for the original.- (i) in the case of a party to the suit, a certified copy, and (ii) in the case of any other person, and ordinary copy which has been examined, compared and certified in the manner mentioned in sub rule (2) of rule 17 of Order VII, and

(b) undertakes to produce the original, if required to do so:

Provided also, that no document shall be returned which, by force of the decree, has become wholly void or useless.

(2) On the return of a document admitted in evidence, a receipt shall be given by the person receiving it."

7. As per the above said provision normally the documents can-be returned only after disposal of the appeal. But as per the proviso to the above said rule to return the documents, the certified copies shall be substituted by the concerned party with an undertaking to produce the original as and when it is required.

8. In the above said circumstances, this court feels that as it takes much time for listing of the main appeal for final hearing this application is considered now for the interregnum period subject to the following conditions:

1) The Registry shall return the original documents/Exs.B2 to B7 marked in O.S.No.139 of 2009 on the file of V Additional District Judge, Tirupati, to the petitioners herein on furnishing the certified copies of the same in advance to the Registry by way of substitution,

2) the above said original documents shall be released to the petitioners herein under a proper receipt and endorsement,

3) the petitioners shall not create either any third party rights over the suit schedule properties or alter the same basing upon the above said documents,

4) the petitioners shall not pledge/mortgage the above said original documents in any manner for any purpose, and

5) the petitioners shall return the said original documents to the Registry of this court at the time of hearing and disposal of the main appeal by this court.

Accordingly, the Interlocutory Application is ordered."

2. Para 8(3) of the said order clearly restrained the petitioners of the application in the appeal i.e., the present appellant No.2 in the appeal (respondent No.2 in the contempt matter) that they shall not create either any third party rights over the suit schedule properties or alter the same basing upon the above said documents.

3. The contempt has been filed on the ground that the appellant No.2 violated the order dated 16.07.2021. He executed the registered sale deed dated 10.12.2024 in favour of one S.Balasubrahmanyam for item No.1 of the schedule property.

4. Prima-facie, execution of the sale deed appears to be in violation of the order passed by this Court dated 16.07.2021 in I.A.No.1 of 2021 in A.S.No.1280 of 2017.

5. Pursuant to the order dated 15.12.2025, appellant No.2 namely Nagatham Mukunda Reddy is present in person.

6. Sri P.Rajasekhar, learned counsel representing learned counsel on record for the appellants in appeal only but not in contempt case, is also present.

7. **The appellant No.2 is respondent No.2 in C.C.No.1636 of 2025, in which he is represented through another counsel namely Sri Ch.Venkata Challa Rao. His vakalat is on record and his name is also shown in the cause list but he is not present.**

8. **Appellant No.2 submits that Sri Ch.Venkata Challa Rao, learned counsel is unwell. He also seeks time to file counter and to be represented through counsel on the next date.**

9. Post on 05.01.2026 on which date, the appellant No.2 shall again appear in person.

10. **Before the next date, the response if any may be filed in the contempt matter.**

11. **No further adjournment will be requested.”**

13. The Court framed the charges on 05.01.2026. The order dated 05.01.2026 reads as under:-

“1.....

2. Sri Nagatham Mukunda Reddy is present in person. In spite of time taken to file counter in contempt case any response has not been filed and in spite of specific direction given in previous order providing that no further adjournment will be requested.

3. **Sri Nagatham Mukunda Reddy further submits that he is still in search of counsel to represent him and today again he seeks adjournment.**

4. **The aforesaid appears to us to be only delaying tactics. We say so, for the reason that on 23.12.2025, he had sought adjournment on the ground of illness of his counsel in the contempt case, namely Sri Ch. Venkata Challa Rao, who did not appear on that date. Today also Sri Nagatham Mukunda Reddy is appearing in person and his counsel is not present.**

5. **Under the circumstances, the request for adjournment for the sake of adjournment cannot be accepted.**

6. We proceed to frame the following charges:

“i) You, Nagatham Mukunda Reddy, have committed wilful disobedience of this Court’s order dated 16.07.2021 in A.S.No.1280 of 2017, particularly in para-8 (3) thereof, by executing the registered sale deed dated 10.12.2024, rendering yourself liable for action being taken under Section 12 of the Contempt of Court’s Act, 1971?

ii) For the aforesaid act, as to why you should not be punished under Section 12 of the Contempt Court’s Act, 1971?”

7. Sri Nagatham Mukunda Reddy is given an opportunity to submit his response and the evidence, if any, before the next date of listing, on affidavit.

8. Post on 20.01.2026.

9. Sri Nagatham Mukunda Reddy – appellant No.2/respondent in Contempt Case, shall be at liberty to approach Andhra Pradesh High Court Legal Services Authority, Amaravati, upon which the authority shall provide a legal aid counsel immediately to represent him.

10. On the next date, the appellant No.2/respondent in Contempt Case, Sri Nagatham Mukunda Reddy shall appear before the Court for further proceedings.

11. Let a copy of this order be served on Sri Nagatham Mukunda Reddy.”

CHARGES:

14. The charges read as under:

“i) You, Nagatham Mukunda Reddy, have committed wilful disobedience of this Court’s order dated 16.07.2021 in A.S.No.1280 of 2017, particularly in para-8 (3) thereof, by executing the registered sale deed dated 10.12.2024, rendering yourself liable for action being taken under Section 12 of the Contempt of Court’s Act, 1971?

ii) For the aforesaid act, as to why you should not be punished under Section 12 of the Contempt Court’s Act, 1971?”

RESPONSE(S):

15. Respondent No.2 was granted opportunity to submit his response and the evidence if any.

16. The evidence on affidavit has been filed.

17. The contempt petitioners have filed the reply affidavit.

CONSIDERATION:

18. The copy of the mortgage deed and the sale deed has been annexed along with the contempt petition. Respondent No.2 has not denied the execution of the mortgage deed nor the sale deed. The same is admitted.

Both the aforesaid deeds are after the date of the interim order dated 16.07.2021. The facts are therefore not in dispute. The interim order, clearly provided that no alienation shall take place and documents shall not be pledged/mortgaged.

19. Learned counsel for the respondent No.2, referring to the affidavit of respondent No.2 tried to justify those transactions due to personal and financial compelling situations. He submitted that the sale transactions in favour of 3rd parties is only a nominal document without any intention to alienate the property in favour of the purchasers/vendors, as per para 6 of the affidavit of respondent No.2. Learned counsel for respondent No.2 laid much emphasis that the transactions are only a nominal transaction, and on the same date of the sale deed, the purchasers had also executed a 'karnama' agreeing to reconvey the property after payment of the entire loan amount with interest on or before 10.06.2026. Learned counsel tried to submit that there would be no violation of the interim order dated 16.07.2021 as the respondent No.2 would be getting reconveyance of the property and at the time of final hearing the documents would also be produced in terms of condition No.5 of the interim order.

20. The defence taken is that there was no wilful or intentional disobedience. Lapse if any on the part of Respondent No. 2, was inadvertent and occurred due to unavoidable circumstances.

21. Learned counsel for the respondent No.2 placed reliance in ***Bindu Kapurea v. Subhashish Panda***¹ and ***C.Elumalai v. A.G.L.Irudayaraj***²

22. The petitioners filed rejoinder affidavit and inter-alia stated that the allegations with respect to the kararunama were created for the purpose of defending the case and were after thought. The execution of the mortgage deed and the sale deed in violation of the interim order passed by this Court was done intentionally and deliberately.

23. Learned counsel for the contempt petitioners placed reliance in ***Dr.N.Venkata Srinivasa Rao v. Prof.Ch.C.Satyanarayana***³ and ***K.Mallaiah v. Sandeep Kumar Sultania***⁴.

24. The defence is not acceptable to us. The execution of mortgage deed and sale deed was a conscious act. There could not be any circumstance or justification to violate the Court's Order. The application for modification of the interim order dated 16.07.2021 seeking permission to alienate on the ground of financial requirement was clearly rejected by this Court vide order dated 04.08.2022 but inspite therefore alienations were made.

25. Willful means an act or omission which is done voluntarily either to disobey or to disregard the law. Even negligence and carelessness may amount to contempt. In ***C.Elumalai*** (supra) Hon'ble Apex Court held as under:

¹ 2025 SCC OnLine SC 1252

² 2009 (4) SCC 213

³ 2023 (2) ALD 693 (AP)

⁴ 2016 (1) ALD 579 (DB)

“8. In ***Ashok Paper Kamgar Union v. Dharam Godha and Ors.*** (2003) 11 SCC 1, this Court had an occasion to consider the concept of ‘wilful disobedience’ of an order of the Court. It was stated that ‘wilful’ means an act or omission which is done voluntarily and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say, with bad purpose either to disobey or to disregard the law. According to the Court, it signifies the act done with evil intent or with a bad motive for the purpose. It was observed that the act or omission has to be judged having regard to the facts and circumstances of each case.

9. In ***Kapildeo Prasad Sah and Ors. v. State of Bihar and Ors.*** [1999 (7) SCC 569] it was held that for holding a person to have committed contempt, it must be shown that there was wilful disobedience of the judgment or order of the Court. But it was indicated that even negligence and carelessness may amount to contempt. It was further observed that issuance of notice for contempt of Court and power to punish are having far reaching consequences, and as such, they should be resorted to only when a clear case of wilful disobedience of the court's order is made out. A petitioner who complains breach of Court's order must allege deliberate or contumacious disobedience of the Court's order and if such allegation is proved, contempt can be said to have been made out, not otherwise. The Court noted that power to punish for contempt is intended to maintain effective legal system. It is exercised to prevent perversion of the course of justice.”

26. The charges stand proved. There is disobedience and the same is deliberate and intentional. The Respondent No.2 has committed contempt of this Court’s order dated 16.07.2021 in I.A.No.1 of 2021 in A.S.No.1280 of 2017.

APOLOGY:

27. On the point of apology, the Hon’ble Apex Court in ***C.Elumalai*** (supra) held that ‘Apology’ is an act of contrition. Unless apology is offered at the earliest opportunity and in good grace, the apology is shorn of penitence and

hence it is liable to be rejected. If the apology is offered at the time when the contemnor finds that the court is going to impose punishment it ceases to be an apology and becomes an act of a cringing coward. The Hon'ble Apex Court held that the apology is not a weapon of defence to purge the guilty of their offence nor is it intended to operate as universal panacea, but it is intended to be evidence of real contriteness. The judgment in *L.D. Jaikwal v. State of U.P.* [1984 (3) SCC 405] was referred wherein the Hon'ble Apex Court had observed as under:-

"We are sorry to say we cannot subscribe to the "slap-say sorry- and forget" school of thought in administration of contempt jurisprudence. Saying "sorry" does not make the slapper taken the slap smart less upon the said hypocritical word being uttered. Apology shall not be paper apology and expression of sorrow should come from the heart and not from the pen. For it is one thing to "say" sorry - it is another to "feel" sorry".

28. In ***Dr.N.Venkata Srinivasa Rao*** (supra), upon which learned counsel for the contempt petitioners relied, this Court considering the various pronouncements of Hon'ble Apex Court on the point of apology held as under:

"97. The respondents 1 and 2 have tendered apology.

98. In ***Arun Kumar Yadav v. State of U.P.***⁵ though it was a case of criminal contempt against a lawyer, the Hon'ble Apex Court held that no one has the authority to conduct in a manner which would demean and disgrace the majesty of justice which is dispensed by a Court of law. The administration of justice is the paramount role of the Court. It was further held that the apology should be prompt and genuine. The concept of mercy and compassion is ordinarily attracted keeping in view the infirmities of the man's nature and the fragile conduct, but in a Court of law a counsel cannot always take the shelter under the canopy of mercy for the law has to reign supreme.

99. In ***Arun Kumar Yadav*** (supra) the Hon'ble Apex Court referred to the judgment of ***L.D.Jaikwal v. State of U.P.***⁶ in which it was observed that "We do not think that merely

⁵ (2013) 14 SCC 127

⁶ (1984) 3 SCC 405

because the appellant has tendered his apology we should set aside the sentence and allow him to go unpunished, otherwise, all that a person wanting to intimidate a Judge by making the grossest imputations against him has to do, is to go ahead and scandalize him, and later on tender a formal empty apology which costs him practically nothing. If such an apology were to be accepted, as a rule, and not as an exception, we would in fact be virtually issuing a 'licence' to scandalize Courts and commit contempt of Court with impunity".

100. In ***All Bengal Excise Licensees' Assn. v. Raghabendra Singh***⁷ the Hon'ble Apex Court held that it is settled law that a party to the litigation cannot be allowed to take an unfair advantage by committing breach of an interim order and escape the consequences thereof by pleading misunderstanding. It was further observed that "under the constitutional scheme of this country orders of the High Court have to be obeyed implicitly and the orders of this Court – for that matter any Court should not be trifled with". In that case it was found that the respondents therein acted deliberately to subvert the orders of the High Court. The Hon'ble Apex Court observed that "it is equally necessary to erase an impression which appears to be gaining ground that the mantra of unconditional apology is a complete answer to violations and infractions of the orders of the High Court or of this Court."

101. It is also apt to refer the case of ***Bal Kishan Giri v. State of U.P.***⁸ in which the Hon'ble Apex Court held, in paras-13 to 17, as under:

"13. In *Asharam M. Jain v. A.T. Gupta* [(1983) 4 SCC 125 : 1983 SCC (Cri) 771] , while dealing with the issue, this Court observed as under : (SCC p. 127, para 3)

"3. ... The strains and mortification of litigation cannot be allowed to lead litigants to tarnish, terrorise and destroy the system of administration of justice by vilification of Judges. It is not that Judges need be protected; Judges may well take care of themselves. It is the right and interest of the public in the due administration of justice that has to be protected."

14. In *Jennison v. Baker* [(1972) 2 QB 52 : (1972) 2 WLR 429 : (1972) 1 All ER 997 (CA)] , All ER p. 1006d, it was observed : (QB p. 66 H)

⁷ (2007) 11 SCC 374

⁸ (2014) 7 SCC 280

“... ‘The law should not be seen to sit by limply, while those who defy it go free, and those who seek its protection lose hope.’”

15. The appellant has tendered an absolute and unconditional apology which has not been accepted by the High Court. The apology means a regretful acknowledgment or an excuse for failure. An explanation offered to a person affected by one's action that no offence was intended, coupled with the expression of regret for any that may have been given. Apology should be unquestionable in sincerity. It should be tempered with a sense of genuine remorse and repentance, and not a calculated strategy to avoid punishment.

16. Sub-section (1) of Section 12 of the Act and the Explanation attached thereto enables the court to remit the punishment awarded for committing the contempt of court on an apology being made to the satisfaction of the court. However, an apology should not be rejected merely on the ground that it is qualified or tendered at a belated stage if the accused makes it *bona fide*. A conduct which abuses and makes a mockery of the judicial process of the court is to be dealt with iron hands and no person can tinker with it to prevent, prejudice, obstruct or interfere with the administration of justice. There can be cases where the wisdom of rendering an apology dawns upon only at a later stage. Undoubtedly, an apology cannot be a defence, a justification, or an appropriate punishment for an act which tantamounts to contempt of court. An apology can be accepted in case where the conduct for which the apology is given is such that it can be “ignored without compromising the dignity of the court”, or it is intended to be the evidence of real contrition. It should be sincere. Apology cannot be accepted in case it is hollow; there is no remorse; no regret; no repentance, or if it is only a device to escape the rigour of the law. Such an apology can merely be termed as “paper apology”.

17. In *L.D. Jaikwal v. State of U.P.* [(1984) 3 SCC 405 : 1984 SCC (Cri) 421] , **this Court noted that it cannot subscribe to the “slap-say sorry-and forget” school of thought in administration of contempt jurisprudence. Saying “sorry” does not make the slapper poorer.** [See also *T.N. Godavarman Thirumulpad (102) v. Ashok Khot* [(2006) 5 SCC 1 : AIR 2006 SC 2007] .] So an apology should not be “paper apology” and expression of sorrow should come from the heart and not from the pen; for it is one thing to “say” sorry, it is another to “feel” sorry.”

102. In *Bal Kishan Giri* (supra) the Hon'ble Apex Court held that a conduct which abuses and makes a mockery of the judicial process of the Court is to be dealt with iron hands and no person can tinker with it to prevent, prejudice, obstruct or interfere with the administration of justice. An apology tendered is not to be accepted as a matter of course by the Court.

103. The present is not a case of accidental or unintentional disobedience. The 1st respondent and the 2nd respondent acted deliberately to subvert the order of this Court.

Their act is contumacious. The apology tendered by the respondents in the facts of the case is considered not *bona fide*. The apology tendered is rejected.

104. The compliance with the interim order, on 12.08.2022 after more than 4 years, by the present authorities of the University, is no answer to the willful disobedience of the order, by the respondents 1 and 2.

105. The Hon'ble Apex Court in **Jhaleswar Prasad Paul** (supra) held that the purpose of contempt jurisdiction is to uphold the majesty and dignity of the courts of law, since the respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen and the democratic fabric of society will suffer if respect for the judiciary is undermined. It was further held that the Contempt of Courts Act, 1971 has been introduced under the statute for the purpose of securing the feeling of confidence of the people in general for true and proper administration of justice in the country. The power to punish for contempt of court is a special power vested under the Constitution in the Courts of record and also under the statute. The power is special and needs to be exercised with care and caution.

106. In **Kapildeo Prasad Sah** (supra) the Hon'ble Apex court held that the disobedience of Court's order strikes at the very root of rule of law on which our system of governance is based. Power to punish for contempt is necessary for the maintenance of effective legal system. It is exercised to prevent perversion of the course of justice.

107. The Hon'ble Apex Court referred to the famous passage of *Lord Diplock* in **Attorney General v. Times Newspapers Ltd.** {(1973) 3 ALL ER 54} in which it was said that there is also an element of public policy in punishing civil contempt, since administration of justice would be undermined if the order of any Court of law could be disregarded with impunity. Jurisdiction to punish for contempt exists to provide ultimate sanction against the person who refuses to comply with the order of the Court or disregards the orders."

29. In ***K.Mallaiah*** (supra) relied upon by the learned counsel for contempt petitioners it was held that the apology cannot be accepted as a matter of course.

30. The apology is not bonafide & deserves not to be accepted and we reject the same.

PUNISHMENT:

31. In ***Bindu Kapurea*** (supra), upon which learned counsel for respondent No.2 placed reliance, it was held that even in case of willful disobedience and contempt, if the contemnor expresses his willingness to purge it, the Court must be guided not by vengeance or punitive action but rather by the overarching objective of upholding the Rule of Law and restoring public confidence in the judicial process. Learned counsel submitted that the power to punish for contempt, though wide and constitutionally entrenched is to be exercised with circumspection in a manner that serves the ends of justice rather than merely penalizing the individual.

32. We are of the view that the willingness to purge by the respondent No.2 is just to avoid the punishment. We cannot condone such act. The Apex Court even in ***Bindu Kapurea*** (supra) has not held that the punishment should not be imposed where the contemnor expresses his willing to purge. What has been held is that the Court must be guided, not by vengeance or punitive action, and that the Court must be guided by the overarching objective of upholding the Rule of Law and restoring public confidence in the judicial

process. There is no dispute that the power to punish for contempt though wide and constitutionally entrenched, is to be exercised with circumspection in a manner that serves the ends of justice. In our view to serve the ends of justice as also to upholding the rule of law and for restoring the public confidence in the orders passed by this Court; in the judicial process and the justice delivery system, respondent No.2 must be visited with punishment.

33. In **C.Elumalai** (supra) upon which learned counsel for respondent No.2 placed reliance, there was direction for expeditious disposal of the suit with further direction that the parties shall not create any third party right but in spite thereof in violation of the order of the Hon'ble Supreme Court third party rights were created. In that case also the plea was taken that there was never any intention to flout the orders and contemnor being a victim of circumstances had tendered unconditional apology. Learned counsel for respondent No.2 submitted that the Hon'ble Apex Court accepted the apology. But, on careful reading of the judgment in **C.Elumalai** (supra) we are of the view that the Hon'ble Apex Court did not accept the apology. The Hon'ble Apex Court was satisfied that there was willful and deliberate violation of the Court's order and in exercise of the power and jurisdiction under Article 129 of the Constitution of India imposed exemplary cost of Rs.2,00,000/- on each of the contemnors, also providing that in case of non-payment, the contemnor shall undergo simple imprisonment for three months each and that any third party right created after the interim order passed by the Hon'ble Apex Court, would be of

no consequence and had also set aside the transactions in violation of the interim order.

RESULT:

34. The charges against respondent No.2 have been proved. The apology has been rejected. The respondent No.2 is liable for imposition of punishment.

35. This Court imposes the following punishment on the respondent No. 2 under Section 12 of the Contempt of Court Act 1971;

The respondent No.2 is punished with the sentence of simple imprisonment for a term of one month and a fine of Rs.2,000/- (Rupees two thousand only) is also imposed.

36. The respondent No. 2 shall be detained in a civil prison for the period the sentence of simple imprisonment i.e., one month.

37. The respondent No.2 shall be entitled for subsistence allowance @ Rs.500/- per day for the period of detention/civil imprisonment. The contempt petitioner shall deposit the amount of subsistence allowance into this Court.

38. If the fine is not deposited, within a period of one week, the Registrar(Judicial) shall take action in any one of the ways as provided under Section 421 of the Code of Criminal Procedure, 1973 (Section 456 of the BNSS, 2023).

39. We also impose a cost of Rs.10,000/- on the respondent No.2 to be deposited in the Court, which intun be remitted to the Andhra Pradesh High Court Legal Services Committee.

40. If the costs amount is not deposited the same shall be recovered as if this order to that extent is a decree of Court under Code of Civil Procedure.

41. The Registrar (Judicial) of this Court shall proceed in accordance with the Contempt of Courts (Andhra Pradesh High Court) Rules, 1980 and ensure compliance of this order and shall place on record the report of compliance.

42. Contempt case is allowed as aforesaid.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

MAHESWARA RAO KUNCHEAM,J

Dated: .03.2026

Note:

LR copy to be marked.

B/o.

AG

Note:

Furnish copy today to respondent No.2 through counsel

B/o.

AG

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

C.C.No.1636 of 2025

Dated: 17.03.2026

Note:

LR copy to be marked.

B/o.

AG

Note:

Furnish copy today to respondent No.2 through counsel

B/o.

AG