

Court No. - 29

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 564 of 2020

Petitioner :- In Re

Respondent :- State of U.P.

Counsel for Petitioner :- Suo Moto, Ashutosh Upadhyay, S.M. Faraz I. Kazmi

Hon'ble Munishwar Nath Bhandari, J.

Hon'ble Piyush Agrawal, J.

This Court took Suo Moto cognizance on the issue pertaining to expiry of the interim orders and the limitation during the period of lockdown because the Courts were not functional in the month of March, 2020 due to lockdown and their working was otherwise affected even for the subsequent period. The Court passed a detailed order to extend the period of interim order and the period of limitation, if it was expiring during the intervening period.

The last order dated 19.08.2020 passed by this Court reads as under:-

"On account of COVID-19 pandemic and the lockdown, as the regular working of High Court, both at Allahabad and Lucknow, and that of most of the District Courts, Civil Courts, Family Courts, Labour Courts, Industrial Tribunals and other Tribunals is disturbed and they are not in a position to work regularly, we consider it appropriate in the interest of justice to extend the terms of interim orders passed by any of these Courts, which may be expiring during this period to remain in force till 31.10.2020.

In addition to above, we also provide that the period of 90 days during which the caveats filed under Section 148-A CPC remain in force shall exclude the lockdown period and the period in which the working of courts and tribunals have remained suspended or disturbed.

A copy of this order be provided to all concerned Courts and Tribunals, Advocate General, Additional Solicitor General of India, Assistant Solicitor General of India, State Public Prosecutor and the Chairman of Bar Council of Uttar Pradesh.

Let the petition be listed again on 19.10.2020."

The position on account of COVID-19 Pandemic has not improved entirely, therefore, this Court is of the opinion that the direction given by this Court on 19.08.2020 to extend the effect of the earlier order till 31.10.2020 needs to be extended and, accordingly, the order quoted above in reference to the extension of the interim order and even for the limitation, as given therein, is made operational and effective till 01.12.2020.

Let this petition be listed again on **01.12.2020** for appropriate order.

Order Date :- 20.10.2020

Sinha_Nirmal