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India: Impact of Supreme Court's Order Dated 23.03.2020

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A three-judge bench of the Hon'ble Supreme Court ("the Court") in the matter of *Suo Moto Writ Petition (Civil) No. 3 / 2020* titled as, In ***Re: Cognizance for Extension of Limitation*** initiated suo - moto proceedings on 23.03.2020 wherein the Court considered the challenges faced by citizens within the Republic of India in filing of petitions/ applications/ suits / appeals on account of COVID – 19 within the limitation period prescribed under general limitation law, or special limitation laws.

The Court passed an order on the same day ("Order") wherein it has done away with the requirement of filing an Application for Condonation of Delay along with the contemplated legal proceedings. However, this does not mean that there is a blanket moratorium on the period of limitation. It simply implies that the limitation period is presently suspended and would commence after lifting of lock-down. In addition, the Court also specifies that the period of limitation stands suspended w.e.f. 15.03.2020, therefore any proceedings filed prior in time would not be protected. A corollary of the same would-be ordinary court-vacations. However, the circumstances in which the present suo-moto order has been passed would indicate that the same is specifically restricted to filing and appearances, which are issues faced by general public as well as lawyers due to COVID-19.

The Court took suo-moto cognizance due to various Governmental Orders/Directives readily available in the public domain, connected to lockdown, social distancing, and limited movement of persons outside their residence. The Court recognized the fact that lawyers/litigants cannot readily appear before the registries of high courts, tribunals, and other quasi-judicial bodies for preferring proceedings, or for conducting legal proceedings and provided the relief(s) as set out hereinabove.

It is to be noticed that the Court has exercised its inherent powers under Article 142 of the Constitution of India while passing the Order. It is evident from a bare perusal

of the Order, that it is made applicable to day-to-day-adjudication and does not apply to urgent matters. For urgent matters, the High Courts, District Courts, Tribunals and other quasi-judicial bodies have notified various provisions such as videoconferencing, online pdf-filings, telephonic mentioning, filing of a short precis of the matters, containing therein pertinent reasons for seeking urgent mentioning etc. with the Registrar of the concerned courts for getting extremely urgent matters heard.

The Court's decision to suspend the limitation period for the duration of the lockdown, is praiseworthy as it was the need-of-the-hour considering the gravity of the situation.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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