

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.M.P. No. 974 of 2022

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1. Kedar Nath Chaubey, aged about 79 years;
 2. Harihar Nath Chaubey, aged about 76 years;
 3. Amar Nath Chaubey, aged about 74 years; All sons of Late Ishwar Dayal Chaubey;
 4. Most. Pushpa Devi, aged about 54 years, widow of Late Birendra Chaubey;
 5. Himanshu Chaubey, aged about 36 years;
 6. Shudhanshu Chaubey, aged about 24 years; Both sons of Late Birendra Chaubey;
- all are residents of Village-Singhitali, P.O.-Chapari, P.S.-Bhawnatpur, District- Garhwa;
7. Mohan Baitha, aged about 46 years, son of Bandhu Baitha;
 8. Nagendra Baitha, aged about 54 years, son of Mandeo Baitha;

Both are residents of Village & P.O.-Chapari, P.S. Bhawnathpur, District- Garhwa;

....Petitioners/ Petitioners

-Vrs-

... ... Petitioner

Versus

1. Madan Mohan Singh;
 2. Kameshwar Singh
- Both sons of Late Sudama Singh, residents of Village, Singhitali P.O.-Chapari, P.S.-Bhawnathpur, District Garhwa;

....**Respondents/ Opposite Parties.**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. A.K. Sahani, Advocate
Ms. Trishna Sagar, Adv
For the Resp. : Mr. Sheo Kumar Singh, Adv

06/Dated: 25th March, 2026

1. The present petition has been filed for restoration of W.P.(C) No. 5071 of 2018, which has been dismissed for

default on 18.10.2019 for non-compliance of order dated 20.09.2019.

2. This Court while hearing the petitioner has issued notice upon the respondents vide order dated 21st January, 2026.
3. Pursuant thereto, the respondent has entered appearance by filing vakalatnama through Mr. Sheo Kumar Singh, learned counsel.
4. Learned counsel for the petitioners has submitted that the instant application has been filed for restoration of W.P.(C) No. 5071 of 2018, which has been dismissed for default on 18.10.2019 for non-compliance of order dated 20.09.2019.
5. Submission has been made that due to pandemic situation out of Covid-19, the restoration application could not be filed. Further submission has been made that Hon'ble Apex Court taking into consideration the outbreak of Covid-19 and country-wide lockdown, has passed order in Suo Moto Writ Petition (civil) No. 3 of 2020 whereby the period of lockdown has been waived from the period of limitation. Therefore, ground has been taken that in view of spread of Covid-19 and prevailing lockdown, the restoration application could not be filed within the period of limitation.

6. Learned counsel for the respondents has opposed the restoration application on the ground of delay in filing the instant application though no rebuttal application has been filed by the respondents.
7. This Court has heard learned counsel for the parties.
8. The objection has been raised on behalf of the respondents that the present restoration application has been filed after inordinate delay.
9. The delay has been explained at paragraph 8 of the restoration application, wherein ground of pandemic Covid-19 has been taken for delay in filing the restoration application.
10. We all are conscious that due to outbreak of Covid-19 Pandemic, the lockdown was imposed by the Central Government from time to time. The Hon'ble Apex Court taking into consideration the situation prevalent in the country during Covid-19 and lockdown, has passed order that the period of limitation is to be excluded from the period of limitation. For ready reference, the same is quoted as under:

1. Due to the onset of COVID-19 pandemic, this Court took suo motu cognizance of the situation arising from difficulties that might be faced by the litigants across the country in filing petitions/applications/ suits/appeals/all other proceedings within the period of limitation prescribed under the general law of limitation or under any special laws (both Central or State). By an order dated 23.03.2020 this Court extended the period of limitation prescribed under the general law or special

laws whether compoundable or not with effect from 15.03.2020 till further orders. The order dated 23.03.2020 was extended from time to time. Though, we have not seen the end of the pandemic, there is considerable improvement. The lockdown has been lifted and the country is returning to normalcy. Almost all the Courts and Tribunals are functioning either physically or by virtual mode. We are of the opinion that the order dated 23.03.2020 has served its purpose and in view of the changing scenario relating to the pandemic, the extension of limitation should come to an end. 2. We have considered the suggestions of the learned Attorney General for India regarding the future course of action. We deem it appropriate to issue the following directions: -

1. In computing the period of limitation for any suit, appeal, application or proceeding, the period from 15.03.2020 till 14.03.2021 shall stand excluded. Consequently, the balance period of limitation remaining as on 15.03.2020, if any, shall become available with effect from 15.03.2021.

2. In cases where the limitation would have expired during the period between 15.03.2020 till 14.03.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 15.03.2021. In the event the actual balance period of limitation remaining, with effect from 15.03.2021, is greater than 90 days, that longer period shall apply.

3. The period from 15.03.2020 till 14.03.2021 shall also stand excluded in computing the periods 2 | Page prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.

4. The Government of India shall amend the guidelines for containment zones, to state.

“Regulated movement will be allowed for medical emergencies, provision of essential goods and services, and other necessary

functions, such as, time bound applications, including for legal purposes, and educational and job-related requirements.”

3. The Suo Motu Writ Petition is disposed of accordingly”

11. The period of covid-19 being the unavoidable circumstances and as such this Court is of the view that the ground for delay in filing the restoration application cannot be said to be improper.
12. This Court, therefore, is of the view that the delay has sufficiently been explained by the petitioners and if in that situation, the writ petition will not be restored to its original file then the petitioners will suffer irreparable loss.
13. Accordingly, the instant application is allowed and W.P.(C) No. 5071 of 2018 is directed to be restored to its original file, which was dismissed for default on 18.10.2019 for non-compliance of order dated 20.09.2019, subject to removal of defect in the writ petition within a period of three weeks.
14. With the aforesaid observation and direction, the instant application stands disposed of.

(Sujit Narayan Prasad, J.)

25th March, 2026
Alankar/-