

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5633 of 2020

In Re: Functioning of Courts in Bihar during the period of COVID-19,
PANDEMIC (Corona Virus).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary Govt. of Bihar, Patna.
3. The Principal Secretary General Administration Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the State	:	Mr. Lalit Kishore, Advocate General
For the Union of India	:	Dr. K.N.Singh, Addl.S.G.
For the Advocates' Association	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Shailendra Kumar Singh, Advocate
For the Lawyers' Association	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Rajeev Kumar Singh, Advocate
For the Bar Association	:	Mr. Sanjay Singh, Advocate
		Mr. Mukesh Kant, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-03-2021

This is in continuation of our earlier orders dated 30.04.2020; 18.05.2020; 03.06.2020; 19.06.2020; 09.07.2020; 12.08.2020; 02.09.2020; 23.09.2020; 29.09.2020; 30.09.2020, 01.10.2020 and 19.10.2020 passed in the instant petition.

We have heard Mr. Lalit Kishore, learned Advocate General, Bihar-cum-Chairman, Bihar State Bar Council; Dr. K.N.Singh, learned Additional Solicitor General of India (Patna); Mr. Yogesh Chandra Verma and Mr. Shailendra Kumar



Singh, President and General Secretary, Advocates' Association; Mr. Ajay Kumar Thakur and Mr. Rajeev Kumar Singh, President and General Secretary, Lawyers' Association; and Mr. Sanjay Singh and Mr. Mukesh Kant, President and General Secretary, Bar Association of this Court.

Much progress has taken place since the passing of our last order dated 19th October, 2020. The Court has evolved and made operational effective and efficient systems for filing, listing, and hearing of matters, which have yielded fruitful results.

A data of the institution, hearing and disposal of cases for the period March 2020 to March 2021, as supplied by the Registry, depicting the monthly position, is extracted hereinunder:-

Details of Filing, Hearing and Disposal by the Patna High Court during lock-down period												
	Institution				Hearing				Disposal			
	E-Filing		Physical Filing		E-Hearing		Physical Hearing		E-Disposal		Physical Disposal	
	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal
Mar-20		98			1							
Apr-20	30	15			33	42			8	16		
May-20	532	551			606	2373			171	1341		
Jun-20	933	1960			3145	10602			1089	5938		
Jul-20	229	923			2199	5376			1331	2762		
Aug-20	205	1047			1432	2751			400	1211		
Sep-20	958	2778			2784	6343			818	3186		
Oct-20	542	3807			1262	4599			394	2395		
Nov-20	138	2905			1630	4760			426	2525		
Dec-20	2525	9230			2104	6000			824	3316		
Jan-21	3713	9963	583	371			2298	6113			692	3511
Feb-21	3015	6431	569	1079			2602	7053			907	3884
Mar-21	1944	6926	904	1050			3035	7454			1031	4242
Total	14764	46636	2056	2460	15204	42846	7930	20620	5461	22690	2630	11637
Sub Total	61400		4516		58050		28550		28151		14267	
Grand Total		65916				86600				42418		

Since 4th January 2021, all Benches of this Court have started regularly sitting in their respective Court Rooms and



heard matters by way of a physical mode, with the observance of all precautions and prescribed norms of Standard of Procedure (SOP), notified from time to time. As of date, accounting for the interest of all the stakeholders, including the aged members of the Bar, Court has put in place a hybrid model for hearing of cases. In the first session, i.e. before lunch, all Judges are sitting in their respective Court Rooms and hearing the cases, with the lawyers appearing personally, whereinafter, in the second session, i.e. the post-lunch cases are taken through virtual mode. Even this model has yielded a great result.

The data indicating institution, hearing and disposal of matters from 1st January 2021 to 25th March 2021, as provided by the Registry, is extracted hereinunder:-

Institution, Hearing and Disposal
As On 26-03-2021 11:03:14 AM

The High Court of Judicature at Patna								
Details of Institution, Hearing and Disposal (Date From 01-01-2021 To 25-03-2021)								
	Institution				Hearing		Disposal	
	E-Filing		Physical Filing					
	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal
	8672	23322	2056	2460	7930	20620	2630	11637
Total	31994		4516		28550		14267	
Grand Total	36510				28550		14267	

Note : Action:- LIST IN USUAL COURSE (IN CHRONOLOGY), PASS OVER, WRONGLY LISTED, CASE BANK TO LIST and CARRY FORWARD have not been taken in this Hearing report.

It would be worth mentioning that since March 2020, the system of E-Mentioning for taking the matters has worked well.

The data supplied by the Registry indicating the number of Mention Slips filed and dealt for the last one year is



extracted hereinunder:-

Mention Slips filed through e-mentioning.phc-bih@gov.in From 27.05.2020 to 24.03.2021			
Sl No.	Month	No. of Mention Slips filed	No. of Mention Slips Allowed
1	May- 2020	487	348
2	June – 2020	8473	6450
3	July – 2020	3329	2842
4	Aug – 2020	7886	1588
5	Sept – 2020	16476	2262
6	Oct – 2020	8340	767
7	Nov – 2020	5006	876
8	Dec – 2020	4893	959
9	Jan – 2021	4230	1168
10	Feb – 2021	4545	1027
11	March – 2021	6914	2921
	Total	70579	21208

It is a matter of record that the Hon'ble Apex Court while disposing of the **Suo Motu Writ Petition (Civil) No.3 of 2020**, titled as **In Re: Cognizance for Extension of Limitation**, on 8th March 2021, has issued directions which stand circulated in the daily cause-list of this Court. For ready reference, the order dated 8th March 2021, in its entirety, is reproduced hereinunder:-

“O R D E R

1. *Due to the onset of COVID-19 pandemic, this*



Court took suo moto 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 27.03.2020 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 15.03.2020 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 15.03.2020 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 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.”



Given the same, all directions issued in the instant petition, dealing with limitation, would automatically stand modified. All other issues are left open to be considered and dealt with on the administrative side.

The Bar has been fully appreciative of the endeavors and the systems put in place, as is evident from its various communications as also affidavit dated 19.10.2020 filed by the learned counsel appearing in the matter.

The Court places on record, with appreciation, the efforts put in by all the stakeholders engaged in the dispensation and administration of justice.

Petition stands disposed of in the terms mentioned above with liberty to revive, should the need so arises.

(Sanjay Karol, CJ)

(Shivaji Pandey, J)

(Ashwani Kumar Singh, J)

Sujit/PKP

AFR/NAFR	AFR
CAV DATE	
Uploading Date	08.04.2021
Transmission Date	

