

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 WRIT PETITION NO.9670 OF 2022

SANJAY MAHADU WAKCHAURE
VERSUS
THE BLOCK DEVELOPMENT OFFICER AND OTHERS

Mr. Majit S. Shaikh, Advocate for the Petitioner.

Mr. Vinayak D. Patnurkar, Advocate for Respondent Nos.1 and 2.

CORAM : SHARMILA U. DESHMUKH, J.

DATED : JANUARY 03, 2023.

PER COURT :-

1. By the impugned order dated 18th April, 2022, below Exh.1 in MACP No.35 of 2016, the Motor Accident Claim Tribunal, Sangamner, District Ahmednagar dismissed the application of the Petitioner seeking restoration of MACT No.35 of 2016, which came to be dismissed for default by the Tribunal on 6th March, 2021, for the reason that the Petitioner being the claimant, had failed to adduce her evidence from 15th February, 2020 till date.

2. Heard learned counsel appearing for the parties.

3. It is a matter of common knowledge that in the month of March, 2022, there was lockdown which was imposed in the country due to pandemic of COVID-19. The Apex Court in *Suo Motu Writ Petition (Civil) No.3 of 2020* had passed various orders

from time to time extending the period of limitation in all proceedings before the Courts and the Tribunals. Particularly, the period from 15th March, 2022 till 20th February, 2022 stood excluded for the purpose of limitation.

4. Perused the impugned order. The application has been rejected on the ground that the petition was dismissed on 6th March, 2021 and the application was preferred on 31st July, 2021 i.e. after the period of limitation of 30 days and there is no application for condonation of delay filed for restoration of the Motor Accident Claim Petition. Considering the decision of the Apex Court in *Suo Motu Writ Petition (Civil) No.3 of 2020*, the period from 15th March, 2020 till 20th February, 2022 stood excluded for the purpose of limitation. It was not necessary for the applicant to prefer any application for condonation of delay. The admitted position being that from 25th March, 2020, country was in lockdown and therefore, the absence of the Petitioner from 15th February, 2020 till 6th March, 2021 cannot be faulted with.

5. In view thereof, the writ petition stands allowed. The impugned order dated 18th April, 2022 passed by the Motor Accident Claim Tribunal, Sangamner, District Ahmednagar is quashed and set aside and MACP No.35 of 2016 is restored to its original file, to be decided in accordance with the law.

(SHARMILA U. DESHMUKH, J.)