

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT 11

IN

R.A.E. SUIT NO. 722 of 2019
(CNR : MHSCA2-001388-2019)

1. Mrs. Kshama Haresh Mehta and others ... Plaintiffs

V/s

Mr. Mahesh Tribhuvan Chauhan ... Defendant

Shri S. K. Vyas, advocate for the plaintiff
Shri Rupesh Karia, advocate for the defendant

Coram :- Omshankar S.Patil
Judge, C.R.No.15

Date :- 18.04.2022

ORAL ORDER :

Perused the application and reply Exh. 12.

2. Heard both sides. Learned holding advocate for the defendant argued that this application is not within limitation. Hence, she requests to reject this application. But, plaintiff No. 5 expired on 01.07.2021. In **Suo Moto Writ Petition (C) No. 3 of 2020**, the Hon'ble Lordship of the **Hon'ble Apex Court** pleased to held as follows :

5. *Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the M.A. No. 21 of 2022 with the following*

directions:

I. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

II. Consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022.

III. In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.

IV. It is further clarified that the period from 15.03.2020 till 28.02.2022 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.

3. Therefore, in view of this judgment, it can not be said that this

application is not within limitation. Hence, this application is liable to be allowed. Hence, I pass the following order :-

: O R D E R :

1. Application is allowed.
2. No order as to costs.

[Omshankar S.Patil]
Judge, C.R.No. 15

Order Dictated on :- 18.04.2022
Order Checked & Signed on :- 18.04.2022