

# **HIGH COURT OF KARNATAKA, BENGALURU**

January 7, 2021

## **NOTICE**

A Division Bench headed by Hon'ble the Chief Justice in Writ Petition No 6435 of 2020 and connected matters, passed an order on April 16, 2020, extending all the interim orders passed by the Karnataka High Court, all the District Courts, Civil Courts, Family Courts, Labour Courts, Industrial Tribunals and all other Tribunals in the State, over which the High Court of Karnataka has power of superintendence, which were due to expire within a period of one month from that day, for a further period of one month.

The Division Bench had extended the above order dated April 16, 2020 from time to time, which will expire on January 7, 2021.

The matter was again listed on January 5, 2021 and the Division Bench passed the following order:

“ ... 2. The last extension was made on 26<sup>th</sup> November 2020. Thereafter, the situation in terms of the number of positive cases of COVID-19 in the State has considerably improved. Perhaps, except for permitting the entry of litigants to the Court complexes, normalcy in functioning of the Courts has been also considerably restored. Considering the trend of the positive cases of COVID-19 reported everyday in the State of Karnataka during the last one month, it will be appropriate if we extend the interim orders for the last time till the end of this month. If the present downward trend of number of positive cases of COVID-19 reported

everyday continues, there will not be any occasion for extending the interim order as well as the order of closure under Section 4 of the Limitation Act, 1963.

3. Accordingly, we direct that the interim orders mentioned in clauses (i) to (iii) of paragraph 35 of the order dated 16<sup>th</sup> April 2020 shall stand **extended till 31<sup>st</sup> January 2021**. Paragraph 35 reads thus:

*“35. Our attention is invited to our Order dated 24<sup>th</sup> March, 2020 and in particular, the direction regarding extension of interim orders. The directions are contained in clause (i) to (iii). Clause (iv) is regarding agencies and instrumentalities of the State Government taking action of demolition and eviction. The material part of the said order read thus:*

*“Only with the view to ensure that citizens are not deprived of their right to approach the Courts of law, we propose to exercise our jurisdiction under Articles 226 and 227 of the Constitution of India by issuing certain directions. The directions are required to be issued to ensure that litigants should not suffer on account of their inability to approach the Courts of law. We issue the following directions:*

*(i) All interim orders passed by the Karnataka High Court, all the District Courts, Civil Courts, Family Courts, Labour Courts, Industrial Tribunals and all other Tribunals in the State over which this Court has power of superintendence, which are due to expire within a period of one month from today, will continue to operate for a period of one month from today. We, however, make it clear that those interim orders which are not of a limited duration and are to operate till further orders will remain unaffected;*

*(ii) If the Criminal Courts in the State have granted bail orders or anticipatory bail for a limited period which are likely to expire in one month from today, the said orders will stand extended for a period of one month from today;*

*(iii) If any orders of eviction, dispossession or demolition are already passed by the High Court, District or Civil Courts, the same shall remain in abeyance for a period of one month from today;*

*(iv) Considering the fact that it will be practically impossible for the citizens to approach the Courts for redressal of their grievances for a period of twenty-one days specified in the order of the Ministry of Home Affairs dated 24th March 2020, we sincerely hope that the State Government, Municipal Authorities and the agencies and instrumentalities of the State Government will be slow in taking action of demolition and eviction of persons.*

*This order be published in the official website of this Court. A soft-copy of this order shall be sent to all concerned Courts and Tribunals; the learned Advocate General; the learned Additional Solicitor General of India; the learned Assistant Solicitor General of India; State Public Prosecutor and the Chairman of Karnataka State Bar Council. We request the Chairman of the Bar Council to circulate this order to all the Bar Associations in the State. ”*

The extension will be subject to the clarification issued in paragraph 4 of the order dated 26<sup>th</sup> November 2020. Correspondingly, the closure of the Courts for the purposes of Section 4 of the Limitation Act, 1963 deserves to be **extended till 31<sup>st</sup> January 2021**. As regular filing has started in all Courts, even the order of closure need not be extended any further. ... “

**BY ORDER OF HON'BLE THE CHIEF JUSTICE**

Sd/-  
(Rajendra Badamikar)  
Registrar General