



≡ Prepare 50% Faster

Section Summary

Limitation Act, 1963

www.ixamBee.com

SECTION SUMMARY

PART I	PRELIMINARY
PART II	LIMITATION OF SUITS, APPEALS AND APPLICATIONS
PART III	COMPUTATION OF PERIOD OF LIMITATION
PART IV	ACQUISITION OF OWNERSHIP BY POSSESSION
	THE SCHEDULE
Objective	An Act to consolidate and amend the law for the limitation of suits and other proceedings and for purposes connected therewith.

Section No.	Heading	Provisions
	PART I PRELIMINARY	DEFINITIONS
Section 1	Short Title, Extent and Commencement.	Extends to whole of India. Commencement date- 1st January 1964 Enactment Date- 5TH October, 1963
Section 2	Definitions	<p>(a) “applicant” includes—</p> <ul style="list-style-type: none"> (i) a petitioner; (ii) any person from or through whom an applicant derives his right to apply; (iii) any person whose estate is represented by the applicant as executor, administrator or other representative; <p>(e) “defendant” includes—</p> <ul style="list-style-type: none"> (i) any person from or through whom a defendant derives his liability to be sued; (ii) any person whose estate is represented by the defendant as executor, administrator or other representative <p>(f) “easement” includes a right not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another or anything growing in, or attached to, or subsisting upon, the land of another;</p> <p>(i) “plaintiff” includes—</p> <ul style="list-style-type: none"> (i) any person from or through whom a plaintiff derives his right to sue; (ii) any person whose estate is represented by the plaintiff as executor, administrator or other representative;

Section No.	Heading	Provisions
		<p>(j) “period of limitation” means the period of limitation prescribed for any suit, appeal or application by the Schedule, and “prescribed period” means the period of limitation computed in accordance with the provisions of this Act;</p> <p>(l) “suit” does not include an appeal or an application;</p> <p>(m) “tort” means a civil wrong which is not exclusively the breach of a contract or the breach of a trust;</p>
Section 3.	<p>PART II LIMITATION OF SUITS, APPEALS AND APPLICATIONS</p> <p>Bar of Limitation</p>	<ul style="list-style-type: none"> - Suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed. - Even if no defence of limitation taken. - For purposes of this act- <ul style="list-style-type: none"> (a) a suit is instituted,— <ul style="list-style-type: none"> (i) in an ordinary case, when the plaint is presented to the proper officer; (ii) in the case of a pauper, when his application for leave to sue as a pauper is made; and (iii) in the case of a claim against a company which is being wound up by the court, when the claimant first sends in his claim to the official liquidator; (b) any claim by way of a set off or a counter claim, shall be treated as a separate suit and shall be deemed to have been instituted— <ul style="list-style-type: none"> (i) in the case of a set off, on the same date as the suit in which the set off is pleaded; (ii) in the case of a counter claim, on the date on which the counter claim is made in court;
Section 4.	<p>Expiry of prescribed period when court is closed.</p>	<ul style="list-style-type: none"> - When prescribed period expires on day when court is closed suit, appeal or application will be instituted when the court re-opens. - Explanation.—A court shall be deemed to be closed on any day within the meaning of this section if during any part of its normal working hours it remains closed on that day.
Section 5.	<p>Extension of prescribed period in certain cases.</p>	<ul style="list-style-type: none"> - appeal or any application may be admitted after the prescribed period if the appellant or the applicant satisfies the court that he had sufficient cause. - Delay condoned.

Section No.	Heading	Provisions
	(Condonation of delay)	- Except applications under Order 21 CPC (Execution).
Section 6	Legal disability.	<ul style="list-style-type: none"> - If a person who is entitled to make an application for execution or to file a suit and is under a legal disability (minority, insanity, idiocy) he may file suit or application after disability ceases. - If such legal disability continues uptill death of such person his legal representative may institute suit or application within prescribed period. - - (2) Subject to sub-section (6), the parties are free to agree on a procedure for appointing the arbitrator or arbitrators. - (3) Failing any agreement referred to in sub-section (2), in an arbitration with three arbitrators, each party shall appoint one arbitrator, and the two appointed arbitrators shall appoint the third arbitrator who - shall act as the presiding arbitrator. - If parties fail to appoint an arbitrator within 30 days, the appointment shall be made, upon request of a party, by [the Supreme Court or, as the case may be, the High Court or any person or institution designated by such Court.
Section 9	Continuous running of time.	- Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application stops it.
Section 10	Suits against trustees and their representatives.	- Any of the foregoing provisions shall not apply to suits against trustees and their representatives for an account of Trust property or it's proceeds.
	PART III COMPUTATION OF PERIOD OF LIMITATION	
Section 12	Exclusion of time in legal proceedings.	<ul style="list-style-type: none"> - In computing the period of limitation, time for legal proceedings shall be excluded as follows- - for any suit, appeal or application, the day from which such period is to be reckoned - an appeal or application for leave to appeal or for - revision or for review of a judgment, the day on which the judgment complained of was pronounced and - the time requisite for obtaining a copy of decree, order, judgment etc. - An application for setting aside an cope of award.
Section 14	Exclusion of time of proceeding bona fide in court without jurisdiction.	- In computing period of limitation for suit or application- time during which the plaintiff has been prosecuting with due diligence another civil proceeding , whether in a court of first instance or of appeal or revision, against the defendant shall be excluded,

Section No.	Heading	Provisions
		<p>where the proceeding relates to the same matter in issue and is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.</p> <p>Explanation.—For the purposes of this section,—</p> <p>(a) in excluding the time during which a former civil proceeding was pending, the day on which that proceeding was instituted and the day on which it ended shall both be counted;</p> <p>(b) a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding;</p> <p>(c) misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.</p>
Section 15	Exclusion of time in certain other cases	<ul style="list-style-type: none"> - In computing the period of limitation of any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, - time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded. - In computing period of limitation requiring issue of previous notice or previous sanction, consent etc. from Government - the period of such notice or, as the case may be, the - time required for obtaining such consent or sanction shall be excluded. - In computing the period of limitation for any suit or application for execution of a decree by any - receiver or interim receiver appointed in proceedings for the adjudication of a person as an insolvent or by - any liquidator or provisional liquidator appointed in winding up proceedings - period beginning with the date of institution of such proceeding and ending with the expiry of three months from the date of appointment of such receiver or liquidator, as the case may be, shall be excluded. - In computing the period of limitation for a suit for possession by a purchaser at a sale in execution - of a decree, the time during which a proceeding to set aside the sale has been prosecuted shall be excluded. - (5) In computing the period of limitation for any suit the time during which the defendant has been absent from India and from the territories outside India under the administration of the Central Government, shall be

Section No.	Heading	Provisions
		excluded.
Section 16	Effect of death on or before the accrual of the right to sue	<ul style="list-style-type: none"> - Where a person who would, if he were living, have a right to institute a suit or make an application dies before the right accrues - Or where a right to institute a suit or make an application accrues only on the death of a person, the period of - limitation shall be computed from the time when there is a legal representative of the deceased capable of - instituting such suit or making such application. - [Same as above for suits or applications instituted against a person or his legal representative.]
Section 17	Effect of fraud or mistake	<p>(a) the suit or application is based upon the fraud of the defendant or respondent or his agent; or</p> <p>(b) the knowledge of the right or title on which a suit or application is founded is concealed by the fraud of any such person as aforesaid; or</p> <p>(c) the suit or application is for relief from the consequences of a mistake; or</p> <p>(d) where any document necessary to establish the right of the plaintiff or applicant has been fraudulently concealed from him,</p> <ul style="list-style-type: none"> - the period of limitation shall not begin to run until the plaintiff or applicant has discovered the fraud or - the mistake or could, with reasonable diligence, have discovered it, or in the case of a concealed document, until the plaintiff or the applicant first had the means of producing the concealed document or compelling its production:
Section 21	Effect of substituting or adding new plaintiff or defendant.	<ul style="list-style-type: none"> - Where after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party: <p>Proviso- where the court is satisfied that the omission to include a new plaintiff or defendant was due to a mistake made in good faith it may direct that suit be deemed to have been instituted on any earlier date.</p> <ul style="list-style-type: none"> - where a party is added or substituted owing to assignment or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.
Section 22	Continuing breaches and torts	<ul style="list-style-type: none"> - In the case of a continuing breach of contract or in the case of a continuing tort, a fresh period of limitation begins to run at every moment of the time during which the breach or the tort, as the case may

Section No.	Heading	Provisions
		be, continues.
Section 23	Suits for compensation for acts not actionable without special damage	- In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results .
Section 24	Computation of time mentioned in instruments	- All instruments shall for the purposes of this Act be deemed to be made with reference to the Gregorian calendar .
	PART IV ACQUISITION OF OWNERSHIP BY POSSESSION	
Section 25	Acquisition of easements by prescription.	- Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for twenty years , and where any way or watercourse or the use of any water or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right without interruption and for twenty years, the right to such access and use of light or air, way, watercourse, use of water, or other easement shall be absolute and indefeasible . - Where the property over which a right is claimed belongs to the Government period is thirty years "
Section 27	Extinguishment of right to property.	- The party initiating conciliation shall send to the other party a written invitation to conciliate under this Part, briefly identifying the subject of the dispute. - (2) Conciliation proceedings, shall commence when the other party accepts in writing the invitation to conciliate . - (3) If the other party rejects the invitation, there will be no conciliation proceedings . - (4) If the party initiating conciliation does not receive a reply within thirty days from the date on which he sends the invitation, or within such other period of time as specified in the invitation, he may elect to treat this as a rejection of the invitation to conciliate and if he so elects, he shall inform in writing the other party accordingly.
	THE SCHEDULE	Some important period of limitation discussed as under-
3	By a principal against his agent	- Three years.

Limitation Act, 1963–Section Summary

Section No.	Heading	Provisions
	for movable property received by the latter and not accounted for	
31	On a bill of exchange or promissory note payable at a fixed time after date.	Three years.
51	For the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant	- Three years.
52	For arrears of rent.	- Three years.
54	For specific performance of a contract.	- Three years
55	For compensation for the breach of any contract, express or implied not herein specially provided for.	- Three years
59	To cancel or set aside an instrument or decree or for the rescission of a contract.	- Three years
66	For possession of immovable property when the plaintiff has become entitled to possession by reason of any forfeiture or breach of condition.	- Twelve years

Limitation Act, 1963—Section Summary

Section No.	Heading	Provisions
67	By a landlord to recover possession from a tenant.	- Twelve years.
68	For specific movable property lost, or acquired by theft, or dishonest misappropriation or conversion.	- Three years