

THE LIMITATION ACT, 1963
ACT NO. 36 OF 1963*

[5th October, 1963.]

An Act to consolidate and amend the law for the limitation of suits and other proceedings and for purposes connected therewith. [5th October, 1963.] BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:-

PART I
PRELIMINARY

1. Short title, extent and commencement.

1. Short title, extent and commencement. (1) This Act may be called the Limitation Act, 1963. (2) It extends to the whole of India except the State of Jammu and Kashmir. (3) It shall come into force on such date 1* as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.

2. Definitions. In this Act, unless the context otherwise requires,-

(a) "applicant" includes- (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;

(b) "application" includes a petition; (c) "bill of exchange" includes a hundi and a cheque; (d) "bond" includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be; -----

*This Act shall come into force in the State of Sikkim on 1-9-1984 Vide Notifn. No. S. O. 647(E), dt. 24.8.84 Gaz. of India, Exty. Pt. II Sec. 3(ii) and amended in West Bengal by W.B. Act 18 of 1977. 1 1st January, 1964; vide Notifn. No. S.O. 3118, dated 29-10-1963, see Gazette of India, Pt. II, Sec. 3(ii), p. 3918. 580

(e) "defendant" includes- (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;

(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;

(g) "foreign country" means any country other than India;

(h) "good faith"-nothing shall be deemed to be done in good faith which is not done with due care and attention;

(i) "plaintiff" includes- (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;

(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;

(k) "promissory note" means any instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight;

(l) "suit" does not include an appeal or an application;

(m) "tort" means a civil wrong which is not exclusively the breach of a contract or the breach of a trust;

(n) "trustee" does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied or a person in wrongful possession without title.

PART II LIMITATION OF SUITS, APPEALS AND APPLICATIONS

3. Bar of Limitation.

3. Bar of Limitation. (1) Subject to the provisions contained in sections 4 to 24 (inclusive), every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed although limitation has not been set up as a defence. (2) For the purposes of this Act,- (a) a suit is instituted,- (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- (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; (c) an application by notice of motion in a High Court is made when the application is presented to the proper officer of that court.

4. Expiry of prescribed period when court is closed.

4. Expiry of prescribed period when court is closed. Where the prescribed period for any suit, appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted, preferred or made on the day 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.

5. Extension of prescribed period in certain cases.

5. Extension of prescribed period in certain cases. Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period if the appellants

or 582 the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period. Explanation.-The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section.

6. Legal disability.

6. Legal disability. (1) Where a person entitled to institute a suit or make an application for the execution of a decree is, at the time from which the prescribed period is to be reckoned, a minor or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time specified there for in the third column of the Schedule. (2) Where such person is, at the time from which the prescribed period is to be reckoned, affected by two such disabilities, or where, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period after both disabilities have ceased, as would otherwise have been allowed from the time so specified. (3) Where the disability continues up to the death of that person, his legal representative may institute the suit or make the application within the same period after the death, as would otherwise have been allowed from the time so specified. (4) Where the legal representative referred to in sub-section (3) is, at the date of the death of the person whom he represents, affected by any such disability, the rules contained in sub-sections (1) and (2) shall apply. (5) Where a person under disability dies after the disability ceases but within the period allowed to him under this section, his legal representative may institute the suit or make the application within the same period after the death, as would otherwise have been available to that person had he not died. Explanation.-For the purposes of this section, 'minor' includes a child in the womb.

7. Disability of one of several persons.

7. Disability of one of several persons. Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree is under any such disability, and a discharge can be given without the concurrence of such person, time will run against them all; but, where 583 no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

Explanation I.- This section applies to a discharge from every kind of liability, including a liability in respect of any immovable property.

Explanation II.- For the purposes of this section, the manager of a Hindu undivided family governed by the Mitakshara law shall be deemed to be capable of giving a discharge without the concurrence of the other members of the family only if he is in management of the joint family property.

8. Special exceptions.

8. Special exceptions. Nothing in section 6 or in section 7 applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the

cessation of the disability or the death of the person affected thereby, the period of limitation for any suit or application.

9. Continuous running of time.

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: Provided that, where letters of administration to the estate of a creditor have been granted to his debtor, the running of the period of limitation for a suit to recover the debt shall be suspended while the administration continues.

10. Suits against trustees and their representatives.

10. Suits against trustees and their representatives. Notwithstanding anything contained in the foregoing provisions of this Act, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, or the proceeds thereof, or for an account of such property or proceeds, shall be barred by any length of time. Explanation.-For the purposes of this section any property comprised in a Hindu, Muslim or Buddhist religious or charitable endowment shall be deemed to be property vested in trust for a specific purpose and the manager of the property shall be deemed to be the trustee thereof.

11. Suits on contracts entered into outside the territories to which the Act extends.

11. Suits on contracts entered into outside the territories to which the Act extends. (1) Suits instituted in the territories to which this Act extends on contracts entered into in the State of Jammu and Kashmir or in a 584 foreign country shall be subject to the rules of limitation contained in this Act. (2) No rule of limitation in force in the State of Jammu and Kashmir or in a foreign country shall be a defence to a suit instituted in the said territories on a contract entered into in that State or in a foreign country unless- (a) the rule has extinguished the contract; and (b) the parties were domiciled in that State or in the foreign country during the period prescribed by such rule.

PART III COMPUTATION OF PERIOD OF LIMITATION

12. Exclusion of time in legal proceedings.

12. Exclusion of time in legal proceedings. (1) In computing the period of limitation for any suit, appeal or application, the day from which such period is to be reckoned, shall be excluded. (2) In computing the period of limitation for an appeal or an 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 the decree, sentence or order appealed from or sought to be revised or reviewed shall be excluded. (3) Where a decree or order is appealed from or sought to be revised or reviewed, or where an application is made for leave to appeal from a decree or order, the time requisite for obtaining a copy of the judgment on which the decree or order is founded shall also be excluded. (4) In computing the period of limitation for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded. Explanation.-In computing under this section the time requisite for

obtaining a copy of a decree or an order, any time taken by the court to prepare the decree or order before an application for a copy thereof is made shall not be excluded.

13. Exclusion of time in cases where leave to sue or appeal as a pauper is applied for.

13. Exclusion of time in cases where leave to sue or appeal as a pauper is applied for. In computing the period of limitation prescribed for any suit or appeal in any case where an application for leave to sue or appeal as a pauper has been made and rejected, the time during which the applicant has been prosecuting in good faith his application for such leave shall be excluded, and the court may, on payment of the court fees prescribed for such suit or appeal, treat the suit or appeal as having the same force and effect as if the court fees had been paid in the first instance.

14. Exclusion of time of proceeding bonafide in court without jurisdiction.

14. Exclusion of time of proceeding bonafide in court without jurisdiction. (1) In computing the period of limitation for any suit the 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, 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. (2) In computing the period of limitation for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the same party for the same relief shall be excluded, where such proceeding 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. (3) Notwithstanding anything contained in rule 2 of Order XXIII of the Code of Civil Procedure, 1908 (5 of 1908), the provisions of sub-section (1) shall apply in relation to a fresh suit instituted on permission granted by the court under rule 1 of that Order, where such permission is granted on the ground that the first suit must fail by reason of a defect in the jurisdiction of the court or other cause of a like nature. Explanation.-For the purposes of this section,- (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; (b) a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding; (c) misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

15. Exclusion of time in certain other cases.

15. Exclusion of time in certain other cases. (1) In computing the period of limitation for any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, the 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. (2) In computing the period of limitation for any suit of which notice has been given, or for which the previous consent or sanction of the Government or any other authority is required, in accordance with the requirements of any law for the time being in force, the period of such notice or, as the case may be, the time required for obtaining such consent or sanction shall be excluded.

Explanation.-In excluding the time required for obtaining the consent or sanction of the Government or any other authority, the date on which the application was made for obtaining the consent or sanction and the date of receipt of the order of the Government or other authority shall both be counted. (3) 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 proceedings for the winding up of a company, the 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. (4) 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 excluded.

16. Effect of death on or before the accrual of the right to sue.

16. Effect of death on or before the accrual of the right to sue. (1) 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. (2) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, or where a right to institute a suit or make an application against any person accrues on the death of such person, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute such suit or make such application. (3) Nothing in sub-section (1) or sub-section (2) applies to suits to enforce rights of pre-emption or to suits for the possession of immovable property or of a hereditary office.

17. Effect of fraud or mistake.

17. Effect of fraud or mistake. (1) Where, in the case of any suit or application for which a period of limitation is prescribed by this Act,- (a) the suit or application is based upon the fraud of the defendant or respondent or his agent; or (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 (c) the suit or application is for relief from the consequences of a mistake; or (d) where any document necessary to establish the right of the plaintiff or applicant has been fraudulently concealed from him; 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: Provided that nothing in this section shall enable any suit to be instituted or application to be made to recover or enforce any charge against, or set aside any transaction affecting, any property which-- (i) in the case of fraud, has been purchased for valuable consideration by a person who was not a party to the fraud and did not at the time of the purchase know, or have reason to believe, that any fraud had been committed, or (ii) in the case of mistake, has been

purchased for valuable consideration subsequently to the transaction in which the mistake was made, by a person who did not know, or have reason to believe, that the mistake had been made, or (iii) in the case of a concealed document, has been purchased for valuable consideration by a person who was not a party 588 to the concealment and, did not at the time of purchase know, or have reason to believe, that the document had been concealed. (2) Where a judgment-debtor has, by fraud or force, prevented the execution of a decree or order within the period of limitation, the court may, on the application of the judgment-creditor made after the expiry of the said period extend the period for execution of the decree or order: Provided that such application is made within one year from the date of the discovery of the fraud or the cessation of force, as the case may be.

18. Effect of acknowledgment in writing.

18. Effect of acknowledgment in writing. (1) Where, before the expiration of the prescribed period for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by any person through whom he derives his title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed. (2) Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but subject to the provisions of the Indian Evidence Act, 1872 (1 of 1872), oral evidence of its contents shall not be received. Explanation.-For the purposes of this section,- (a) an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to set-off, or is addressed to a person other than a person entitled to the property or right, (b) the word "signed" means signed either personally or by an agent duly authorised in this behalf, and (c) an application for the execution of a decree or order shall not be deemed to be an application in respect of any property or right.

19. Effect of payment on account of debt or of interest on legacy.

19. Effect of payment on account of debt or of interest on legacy. Where payment on account of a debt or of interest on a legacy is made before the expiration of the prescribed period by the person liable to pay the debt or legacy or by his agent duly authori- 589 sed in this behalf, a fresh period of limitation shall be computed from the time when the payment was made: Provided that, save in the case of payment of interest made before the 1st day of January, 1928, an acknowledgment of the payment appears in the handwriting of, or in a writing signed by, the person making the payment. Explanation.-For the purposes of this section,- (a) where mortgaged land is in the possession of the mortgagee, the receipt of the rent or produce of such land shall be deemed to be a payment; (b) "debt" does not include money payable under a decree or order of a court.

20. Effect of acknowledgment or payment by another person.

20. Effect of acknowledgment or payment by another person. (1) The expression "agent duly authorised in this behalf" in sections 18 and 19 shall, in the case of a person under

disability, include his lawful guardian, committee or manager or an agent duly authorised by such guardian, committee or manager to sign the acknowledgment or make the payment. (2) Nothing in the said sections renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed by, or of a payment made by, or by the agent of, any other or others of them. (3) For the purposes of the said sections,- (a) an acknowledgment signed or a payment made in respect of any liability by, or by the duly authorised agent of, any limited owner of property who is governed by Hindu law, shall be a valid acknowledgment or payment, as the case may be, against a reversioner succeeding to such liability; and (b) where a liability has been incurred by, or on behalf of a Hindu undivided family as such, an acknowledgment or payment made by, or by the duly authorised agent of, the manager of the family for the time being shall be deemed to have been made on behalf of the whole family.

21. Effect of substituting or adding new plaintiff or defendant.

21. Effect of substituting or adding new plaintiff or defendant. (1) 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: 590 Provided that 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 the suit as regards such plaintiff or defendant shall be deemed to have been instituted on any earlier date. (2) Nothing in sub-section (1) shall apply to a case 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.

22. Continuing breaches and torts.

22. Continuing breaches and torts. 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 be, continues.

23. Suits for compensation for acts not actionable without special damage.

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.

24. Computation of time mentioned in instruments.

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

25. Acquisition of easements by prescription.

25. Acquisition of easements by prescription. (1) 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. (2) Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested. (3) Where the property over which a right is claimed under sub-section (1) belongs to the Government that sub-section shall be read as if for the words "twenty years" the words "thirty years" were substituted. Explanation.-Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorising the same to be made.

26. Exclusion in favour of reversioner of servient tenement.

26. Exclusion in favour of reversioner of servient tenement. Where any land or water upon, over or from, which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or in terms of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the period of twenty years in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled on such determination to the said land or water.

27. Extinguishment of right to property.

27. Extinguishment of right to property. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

PART V MISCELLANEOUS

28. Amendment of certain Acts. [Repealed.]

28. [Amendment of certain Acts.] Rep. by the Repealing and Amending Act, 1974 (56 of 1974), s. 2 and Sch. I. 29. Savings. 29. Savings. (1) Nothing in this Act shall affect section 25 of the Indian Contract Act, 1872. (9 of 1872.) (2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in sections 4 to 24 (inclusive) shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law. (3) Save as otherwise provided in any law for the time being in force with respect to marriage and divorce, nothing in this Act shall apply to any suit or other proceeding under any such law. (4) Sections 25 and 26 and the definition of "easement" in section 2 shall not apply to cases arising in the territories to which the Indian Easements Act, 1882, (5 of 1882.) may for the time being extend.

30. Provision for suits, etc., for which the prescribed period is shorter than the period prescribed by the Indian Limitation Act, 1908.

30. Provision for suits, etc., for which the prescribed period is shorter than the period prescribed by the Indian Limitation Act, 1908. Notwithstanding anything contained in this Act,- (a) any suit for which the period of limitation is shorter than the period of limitation prescribed by the Indian Limitation Act, 1908 (9 of 1908), may be instituted within a period of 1*[seven years] next after the commencement of this Act or within the period prescribed for such suit by the Indian Limitation Act, 1908, whichever period expires earlier: 2*[Provided that if in respect of any such suit, the said period of seven years expires earlier than the period of limitation prescribed therefor under the Indian Limitation Act, 1908 (9 of 1908) and the said period of seven years together with so much of the period of limitation in respect of such suit under the Indian Limitation Act, 1908, as has already expired before the commencement of this Act is shorter than the period prescribed for such suit under this Act, then, the suit may be instituted within the period of limitation prescribed therefor under this Act;] (b) any appeal or application for which the period of limitation is shorter than the period of limitation prescribed by the Indian Limitation Act, 1908 (9 of 1908), may be preferred or made 1 Subs. by Act 10 of 1969, s. 2, for "five years" (retrospectively). 2 Ins. by s. 2, ibid. 592A within a period of ninety days next after the commencement of this Act or within the period prescribed for such appeal or application by the Indian Limitation Act, 1908 (9 of 1908), whichever period expires earlier.

31. Provisions as to barred or pending suits, etc.

31. Provisions as to barred or pending suits, etc. Nothing in this Act shall,- (a) enable any suit, appeal or application to be instituted, preferred or made, for which the period of limitation prescribed by the Indian Limitation Act, 1908 (9 of 1908), expired before the commencement of this Act; or (b) affect any suit, appeal or application instituted, preferred or made before, and pending at, such commencement. 32. Repeal. [Repealed.] 32. [Repeal.] Rep. by the Repealing and Amending Act, 1974 (56 of 1974), s. 2 and Sch. I.

SCHE PERIODS OF LIMITATION

THE SCHEDULE (PERIODS OF LIMITATION) [See sections 2(j) and 3] FIRST DIVISION-SUITS - Description of suit Period of limitation Time from which period begins to run - PART I.-SUITS RELATING TO ACCOUNTS

1 For the balance due Three years. The close of the year on a mutual, open in which the last and current account, item admitted or where there have been proved is entered in reciprocal demands the account; such between the parties. year to be computed as in the account.

2 Against a factor for Three years. When the account is, an account. during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.

3 By a principal against Three years. When the account is, his agent for movable during the continuance property received by of the agency, demanded the latter and not and refused or, where accounted for. no such demand is made, when the agency terminates.

4 Others suits by Three years. When the neglect or principals against misconduct becomes agents for neglect known to the or misconduct. plaintiff. 5 For an account and a Three years. The date of the share of the profits of a dissolution. dissolved partnership.

PART II.-SUITS RELATING TO CONTRACTS

6 For a seaman's wages Three years. The end of the voyage during which the wages are earned.

7 For wages in the case Three years. When the wages accrue of any other person. due.

8 For the price of food Three years. When the food or drink or drink sold by the is delivered. keeper of a hotel, tavern or lodging- house.

9 For the price of lodging Three years. When the price becomes payable. 10 Against a carrier for Three years. When the loss or injury compensation for occurs. losing or injuring goods. Description of suit Period of limitation Time from which period begins to run

11 Against a carrier for Three years. When the goods ought compensation for non- to be delivered. delivery of, or delay in delivering, goods.

12 For the hire of Three years. When the hire becomes animals, vehicles, payable. boats or household furniture.

13 For the balance of Three years. When the goods ought money advanced in to be delivered. payment of goods to be delivered.

14 For the price of goods Three years. The date of the sold and delivered delivery of the goods. where no fixed period of credit of a fixed period of credit is agreed upon.

15 For the price of goods Three years. When the period of sold and delivered to credit expires. be paid for after the expiry of a fixed period of credit.

16 For the price of goods Three years. When the period of sold and delivered to the proposed bill be paid for by a bill elapses. of exchange, no such bill being given.

17 For the price of trees Three years The date of the sale. or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.

18 For the price of work Three years. When the work is done. done by the plaintiff for the defendant at his request, where no time has been fixed for payment.

19 For money payable for Three years. When the loan is made. money lent.

20 Like suit when the Three years. When the cheque is lender has given a paid. cheque for the money.

21 For money lent under Three years. When the loan is made. an agreement that it shall be payable on demand.

22 For money deposited Three years. When the demand is under an agreement made. that it shall be payable on demand, including money of a customer in the hands of his banker so payable. Description of suit Period of Time from which period limitation begins to run

23 For money payable Three years. When the money is to the plaintiff for paid. money paid for the defendant.

24 For money payable by Three years. When the money is the defendant to the received. plaintiff for money received by the defendant, for the plaintiff's use.

25 For money payable for Three years. When the interest interest upon money becomes due. due from the defendant to the plaintiff.

26 For money payable to Three years. When the accounts the plaintiff for are stated in writing money found to be due signed by the defendant from the defendant to or his agent duly the plaintiff on accounts authorised in this stated between them. behalf. unless where the debt is, by a simulta- neous ageement in writing signed as afoesaid, made payable at a future time, and then when that time arrives.

27 For compensation for Three years. When the time breach of a promise to specified arrives do anything at a or the contingency specified time, or upon happens. the happening of a specified contingency.

28 On a single bond, where Three years. The day so specified. a day is specified for payment.

29 On a single bond, where Three years. The date of executing no such day is specified. the bond.

30 On a bond subject to Three years. When the condition is a condition broken.

31 On a bill of exchange Three years. When the bill or note or promissory note falls due. payable at a fixed time after date.

32 On a bill of exchange Three years. When the bill is payable at sight, or presented. after sight, but not at a fixed time. 33 On a bill of exchange Three years. When the bill is prese- accepted payable at a nted at that place. particular place. 34 On a bill of exchange Three years. When the fixed time or promissory note expires. payable at a fixed time after sight or after demand. 596 -----

----- Description of suit Period of Time from which period limitation begins to run -----

35 On a bill of exchange Three years. The date of the bill or or promissory note note. payable on demand and not accompanied by any writing restraining or postponing the right to sue.

36 On a promissory note Three years. The expiration of the or bond payable by first term of payment instalments. as to the part then payable ; and for the other parts, the expiration of the respec- tive terms of payment.

37 On a promissory note Three years. When the default is or bond payable by made, unless where instalments, which the payee or obligee provides that, if waives the benefit default be made in of the provision payment of one or and then when fresh more instalments, the default is made in whole shall be due. respect of which there is no such waiver.

38 On a promissory note Three years. The date of the deliv- given by the maker ery to the payee. to a third person to be delivered to the payee after a certain event should happen.

39 On a dishonoured fore- Three years. When the notice is ign bill where protest given. has been made and notice given.

40 By the payee against Three years. The date of the refusal the drawer of a bill to accept. of exchange, which has been dishonoured by non acceptance.

41 By the acceptor of an Three years. When the acceptor pays accommodation-bill the amount of the against the drawer. bill.

42 By a surety against Three years. When the surety pays the principal debtor. the creditor.

43 By a surety against Three years. When the surety pays a co-surety. anything in excess of his own share.

44 (a) On a policy of Three years. The date of the death insurance when the of the deceased, or sum insured is pay- where the claim on the able after proof of policy is denied, the death has been either partly or given to or received wholly, the date by the insurers. of such denial. Description of suit Period of Time from which period limitation begins to run (b) On a policy of Three years. The date of the occur- insurance when the rence causing the sum insured is pay- loss, or where the able after proof of claim on the policy is the loss has been denied, either given to or received partly or wholly, the by the insurers. date of such denial.

45 By the assured to re- Three years. When the insurers elect cover premia paid to avoid the policy. under a policy void- able at the election of the insurers.

46 Under the Indian Suc- Three years. The date of the payment cession Act, 1925, or distribution. (39 of 1925.) section 360 or section 361, to compel a refund by a person to whom an executor or adminis- trator has paid a legacy or distributed assets.

47 For money paid upon an Three years. The date of the existing consideration failure. which afterwards fails.

48 For contribution by a Three years. The date of the payment party who has paid the in excess of the whole or more than his plaintiff's own share. share of the amount due under a joint decree, or by a sharer in a joint estate who has paid the whole or more than his share of the amount of revenue due from himself and his co-sharers.

49 By a co-trustee to Three years. When the right to con- enforce against the tribution accrues. estate of a deceased trustee a claim for contribution.

50 By the manager of a Three years. The date of the joint estate of an un- payment. divided family for contribution, in res- pect of a payment made by him on account of the estate.

51 For the profits of im- Three years. When the profits are movable property be- received. longing to the plain- tiff which have been wrongfully received by the defendant.

52 For arrears of rent. Three years. When the arrears become due. Description of suit
Period of limitation Time from which period begins to run ---

53 By a vendor of im- Three years. The time fixed for com- movable property for pleting the sale, or personal payment of (where the title is unpaid purchase money. accepted after the time fixed for comple- tion) the date of the acceptance.

54 For specific perfor- Three years. The date fixed for the mance of a contract. performance, or, if no such date is fixed, when the plaintiff has noticed that perfor- mance is refused.

55 For compensation for Three years. When the contract is the breach of any broken or (where there contract, express or are successive breac- implied not herein hes)when the breach specially provided in respect of which for. the suit is instituted occurs or (where the breach is continuing) when it ceases.

PART III.-SUITS RELATING TO DECLARATIONS

56 To declare the for- Three years. When the issue or gery of an instrument registration becomes issued or registered. known to the plaintiff.

57 To obtain a decla- Three years. When the alleged adop- ration that an tion becomes known to alleged adoption is the plaintiff. invalid, or never, in fact, took place.

58 To obtain any other Three years. When the right to use declaration. first accrues.

PART IV.-SUTES RELATING TO DECREES AND INSTRUMENTS

59 To cancel or set aside Three years. When the facts an instrument or entitling the decree or for the plaintiff to have the rescission of a instrument or decree contract. cancelled or set aside or the contract rescinded first become known to him.

60 To set aside a transfer of property made by the guardian of a ward- (a) by the ward who has Three years. When the ward attains majority ; majority. Description of suit Period of limitation Time from which period begins to run (b) by the ward's representative- (i) when the ward Three years. When the ward attains majority. (ii) when the ward dies Three years. When the ward dies. before attaining majority.

PART V.-SUITS RELATING TO IMMOVABLE PROPERTY

61 By a mortgagor- (a) to redeem or re- Thirty years. When the right to re- cover possession deem or to recover of immovable possession accrues. property mort- gaged ; (b) to recover pos- Twelve years. When the transfer session of im- becomes known to the movable property plaintiff. mortgaged and after wards transferred by the mortgagee for a valuable consideration. (c) to recover surplus Three years. When the mortgagor re- collections received enters on the by the mortgagee mortgaged property. after the mortgage has been satisfied.

62 To enforce payment of Twelve years. When the money sued for money secured by a becomes due. mortgage or otherwise charged upon immovable property.

63 By a mortgagee- (a) for foreclosure ; Thirty years. When the money secured by the mortgage becomes due. (b) for possession of Twelve years. When the mortgagee be- immovable property comes entitled to mortgaged. possession.

64 For possession of im- Twelve years. The date of disposses- movable property based sion. on previous possession and not in title, when the plaintiff while in possession of the pro- perty has been dis- possessed.

65 For possession of im- Twelve years. When the possession of movable property or the defendant becomes any interest therein adverse to the based on title. plaintiff. Description of suit Period of limitation Time from which period begins to run - Explanation.-For the purposes of this article- (a) where the suit is by a remainderman, a reversioner (other than a landlord) or a devisee, the possession of the defendant shall be deemed to become adverse only when the estate of the remainderman, rever- sioner or devisee, as the case may be, falls into possession ; (b) where the suit is by a Hindu or Muslim entitled to the possession of immovable property on the death of a Hindu or Muslim female, the possession of the defendant shall be deemed to become adverse only when the female dies ; (c) where the suit is by a purchaser at a sale in execution of a decree when the judgment-debtor was out of possession at the date of the sale, the purchaser shall be deemed to be a repre- sentative of the judg- ment-debtor who was not of possession.

66 For possession of im- Twelve years. When the forfeiture movable property when is incurred or the the plaintiff has condition is broken. become entitled to possession by reason of any forfeiture or breach of condition.

67 By a landlord to re- Twelve years. When the tenancy is cover possession from determined. a tenant.

PART VI.-SUITS RELATING TO MOVABLE PROPERTY

68 For specific movable Three years. When the person having property lost, or the right to the acquired by theft, or possession of the dishonest misappropriation or conversion in whose possession it is.

69 For other specific Three years. When the property is movable property. wrongfully taken. Description of suit Period of limitation Time from which period begins to run -----

70 To recover movable Three years. The date of refusal property deposited after demand. or pawned from a depositary or pawnee.

71 To recover movable Three years. When the sale becomes property deposited or known to the pawned, and afterwards plaintiff. bought from the depositary or pawnee for a valuable consideration.

PART VII.-SUITS RELATING TO TORT

72 For compensation for One year. When the act or doing or for omitting omission takes place. to do an act alleged to be in pursuance of any enactment in force for the time being in the territories to which this Act extends.

73 For compensation for One year. When the imprisonment false imprisonment. ends.

74 For compensation for One year. When the plaintiff is a malicious prosecution. prosecution is otherwise terminated.

75 For compensation for One year. When the libel is libel. published.

76 For compensation for One year. When the words are slander. spoken or, if the words are not actionable in themselves, when the special damage complained of results.

77 For compensation for One year. When the loss occurs. loss of service occasioned by the seduction of the plaintiff's servant or daughter.

78 For compensation for One year. The date of the breach. inducing a person to break a contract with the plaintiff.

79 For compensation for One year. The date of the an illegal, irregular distress. or excessive distress.

80 For compensation for One year. The date of the wrongful seizure of seizure. movable property under legal process.

81 By executors, administrators One year. The date of the death of the person wronged. of the person wronged. under the Legal Representatives' Suits Act, 1855. (12 of 1855.) ---
-Description of suit Period of limitation Time from which period begins to run -----

82 By executors, administrators Two years. The date of the death of the person killed. of the person killed. under the Indian Fatal Accidents Act, 1855. (13 of 1855.)

83 Under the Legal Repre- Two years. When the wrong comp- sentatives' Suits Act, lained of is done. 1855 (12 of 1855.) against an executor, an administrator or any other representative.

84 Against one who, having Two years. When the perversion a right to use property first becomes known for specific purposes, to the person injured perverts it to other thereby. purposes.

85 For compensation for Three years. The date of the obs- obstructing a way or a truction. water-course.

86 For compensation for Three years. The date of the diver- diverting a watercourse. sion.

87 For compensation for Three years. The date of the tres- trespass upon immovable pass. property.

88 For compensation for Three years. The date of the infrin- infringing copyright gement. or any other exclusive privilege.

89 To restrain waste. Three years. When the waste begins.

90 For compensation for Three years. When the injunc- injunctio injury caused by an ceases. injunc- injunctio wrongfully obtained.

91 For compensation,- (a) for wrongfully Three years. When the person having taking or detain- the right to the pos- ing any specific session of the prope- movable property rty first learns in lost, or acquired whose possession it by theft, or dis- it is. honest mis- appro- priation or con- version ; (b) for wrongfully Three years. When the property is taking or injuring wrongfully taken or or wrongfully detain- injured, or when the ing any other detainer's possession specific movable becomes unlawful. property.

PART VIII.-SUITS RELATING TO TRUSTS AND TRUST PROPERTY

92 To recover possession Twelve years. When the transfer of immovable property becomes known to the conveyed or bequeathed plaintiff. in trust and afterwards transferred by the trustee for a valuable consideration. -----
Description of suit Period of limitation Time from which period begins to run -----

93 To recover possession Three years. When the transfer of movable property become known to the conveyed or bequeathed plaintiff. in trust and after wards transferred by the trustee for a valuable considera- tion.

94 To set aside a trans- Twelve years. When the transfer fer of immovable becomes known to property comprised the plaintiff. in a Hindu, Muslim or Buddhist religi- ous or charitable endowment, made by a manager thereof for a valuable considera- tion.

95 To set aside a transfer Three years. When the transfer of movable property becomes known to be comprised in a Hindu, Muslim or Buddhist religious or charitable endowment, made by a manager thereof for a valuable consideration.

96 By the manager of a Twelve years. The date of death, resignation or removal of the manager of the transfer of movable or immovable property comprised in the endowment which has been transferred by a previous manager for a valuable consideration.

PART IX.-SUITS RELATING TO MISCELLANEOUS MATTERS

97 To enforce a right or One year. When the purchaser pre-emption whether the right is founded on sale sought to be law or general usage impeached, physical or on special contract. possession of the whole or part of the property sold, or, where the subject-matter of the sale does not admit of physical possession of the whole or part of the property, when the instrument of sale is registered.

98 By a person against One year. The date of the order referred to in rule 63 or in rule 103] of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908) or an order under section 28 of the Presidency Small Cause Courts Act, 1882 (15 of 1882), has been made, to establish the right which he claims to the property comprised in the order. ----- 1 Subs. by Act 52 of 1964, s. 3 and Sch. II, for "an order under rule 63 or rule 103". 604 Description of suit Period of limitation Time from which period begins to run

99 To set aside a sale by One year. When the sale is a civil or revenue court confirmed or would be confirmed or a sale for arrears of Government revenue of come final and conclusive had no such arrears. suit been brought.

100 To alter or set aside One year. The date of the any decision or other final decision or of a civil court in any order by the court or proceeding other than a the date of the act suit or any act or order of the officer, order of an officer of as the case may be. Government in his official capacity.

101 Upon a judgment including a foreign judgment, judgment or recognition.

102 For property which the Three years. When the plaintiff plaintiff has conveyed is restored to sanity and has knowledge of the conveyance.

103 To make good out of Three years. The date of the the general estate of trustee's death or a deceased trustee the if the loss has not loss occasioned by a then resulted, the breach of trust. date of the loss.

104 To establish a periodically recurring right. Three years. When the plaintiff is first refused the enjoyment of the right.

105 By a Hindu for arrears Three years. When the arrears are of maintenance. payable.

106 For a legacy of for a Twelve years. When the legacy or share of a residue be- share becomes paya- queathed by a testator ble or deliverable. or for a distributive share of the property of an intestate against an executor or an admi- nistrator or some other person legally charged with the duty of distr- ibuting the estate.

107 For possession of a Twelve years. When the defendant hereditary office. takes possession of the officer adverse- ly to the plaintiff. Explanation.-A heredi- tary office is possessed when the properties the- reof are usually received, or (if there are no pro- perties) when the duties thereof are usually per- formed. Description of suit Period of limitation Time from which period begins to run

108 Suit during the life of Twelve years. The date of the a Hindu or Muslim female alienation. by a Hindu or Muslim who, if the female died at the date of institu- ting the suit, would be entitled to the posses- sion of land, to have an alienation of such land make by the female dec- lared to be void except for her life or until her re-marriage.

109 By a Hindu governed by Twelve years. When the alienee Mitakshara law to set takes possession aside his father's ali- of the property. enation of ancestral property.

110 By a person excluded Twelve years. When the exclusion from a joint family becomes known to the property to enforce a plaintiff. right to share therein.

111 By or on behalf of any Thirty years. The date of the local authority for dispossession or possession of any pub- discontinuance. lic street or road or any part thereof from which it has been dis- possessed or of which it has discontinued the possession.

112 Any suit (except a suit Thirty years. When the period of before the Supreme Court limitation would in the exercise of its begin to run under original jurisdiction) this Act against a by or on behalf of the like suit by a pri- Central Government or vate person. any State Government, including the Government of the State of Jammu and Kashmir.

PART X.-SUITS FOR WHICH THERE IS NO PRESCRIBED PERIOD

113 Any suit for which no Three years. When the right to period of limitation sue accrues. is provided elsewhere in this Schedule.

- SECOND DIVISION-APPEALS- Description of appeal Period of limitation Time from which period begins to run 114 Appeal from an order of acquittal,- (a) under sub-section Ninety days. The date of order (1) or sub-section appealed from. (2) of section 417 of the Code of Cri- minal Procedure, 1898 (5 of 1898.); Description of appeal Period of Time from which period limitation begins to run -----
----- (b) under sub-section Thirty days. The date of the (3) of section 417 grant of special of that Code. leave.

115 Under the Code of Crim- inal Procedure, 1898 (5 of 1898)- (a) from a sentence of Thirty days. The date of the death passed by a sentence. court of session or by a High Court in the exercise of its original criminal jurisdiction; (b) from any other sen- tence or any order not being an order of acquittal- (i) to the High Court, Sixty days. The date of the sentence or order. (ii) to any other court. Thirty days. The date of the sentence or order.

116 Under the Code of Civil Procedure, 1908 (5 of 1908),- (a) to a High Court from Ninety days. The date of the any decree or order; decree or order. (b) to any other Court Thirty days. The date of the from any decree or decree or order. order.

117 From a decree or order Thirty days. The date of the of any High Court to decree or order. the same Court. -

THIRD DIVISION-APPLICATIONS ----- Description of application Period of limitation
Time from which period begins to run

PART I.-APPLICATIONS IN SPECIFIED CASES

118 For leave to appear Ten days. When the summons and defend a suit is served. under summary proc- edure.

119 Under the Arbitration Act, 1940, (10 of 1940.),- (a) for the filing in Thirty days. The date of service court of an award; of the notice of the making of the award. (b) for setting aside Thirty days. The date of service an award or getting of the notice of the an award remitted filing of the award. for reconsideration. Description of application Period of Time from which period limitation begins to run -----

120 Under the Code of Civil Ninety days. The date of death Procedure, 1908 (5 of of the plaintiff, 1908.), to have the appellant, defendant legal representative or respondent as the of a deceased plaintiff case may be. or appellant or of a deceased defendant or respondent, made a party.

121 Under the same Code for Sixty days. The date of abate- an order to set aside an ment. abatement.

122 To restore a suit or Thirty days. The date of dismi- appeal or application ssal. for review or revision dismissed for default of appearance or for want of prosecution or for failure to pay costs of service of process or to furnish security for costs. 123 To set aside a decree Thirty days. The date of the passed ex parte or to decree or where the rehear an appeal dec- summons or notice reed or heard ex parte. was not duly served, when the applicant had knowledge of the decree. Explanation.- For the purpose of this article, substituted ser- vice under rule 20 of Order V of the Code of Civil Procedure, 1908 (5 of 1908) shall not be deemed to be due service.

124 For a review of judgment Thirty days. The date of the by a court other than decree or order. the Supreme Court.

125 To record an adjustment Thirty days. When the payment or satisfaction of a or adjustment is decree. made.

126 For the payment of the Thirty days. The date of the amount of a decree by decree. instalments.

127 To set aside a sale in 1*[Sixty days.] The date of the. execution of a decree, sale. including any such ap- plication by a judgme- nt-debtor.

128 For possession by one Thirty days. The date of the dispossessed of immovable property and disputing the right of the decreeholder or purchaser at a sale in execution of a decree. ----- 1
Subs. by Act 104 of 1976, s. 98, for "Thirty days" (w.e.f. 1-2- 1977). 608 -----
----- Description of application Period of Time from which
period limitation begins to run -----

129 For possession after Thirty days. The date of removing resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree.

130 For leave to appeal as a pauper- (a) to the High Court; Sixty days. The date of decree appealed from. (b) to any other court. Thirty days. The date of decree appealed from.

131 To any court for the Ninety days. The date of the exercise of its powers decree or order or of revision under the sentence sought to Code of Civil Procedure, 1908 (5 of 1908.) or the Code of Criminal Procedure, 1898 (5 of 1898.).

132 To the High Court for Sixty days. The date of the a certificate of fitness to appeal to the sentence. Supreme Court under clause (1) of article 132, article 133 or sub-clause (c) of clause (1) of article 134 of the Constitution or under any other law for the time being in force.

133 To the Supreme Court for special leave to appeal,- (a) in a case involving Sixty days. The date of the death sentence; judgment, final order or sentence. (b) in a case where Sixty days. The date of the leave to appeal was order of refusal. refused by the High Court; (c) in any other case. Ninety days. The date of the judgment or order.

134 For delivery of possession by a purchaser of absolute immovable property at a sale in execution of a decree. One year. When the sale becomes absolute.

135 For the enforcement of Three years. The date of the a decree granting a decree or where a mandatory injunction. date is fixed for performance, such date. -----

----- Description of application Period of Time from which period limitation begins to run -----

----- 136 For the execution of Twelve years.
1*[When] the decree any decree (other than or order becomes a decree granting a mandatory injunction) or the decree or any order of any civil court. subsequent order directs any payment of money or the delivery of any property to be made at a certain date or at recurring periods, when default in making the payment or delivery in respect of which execution is sought, takes place: Provided that an application for the enforcement or execution of a decree granting a perpetual injunction shall not be subject to any period of limitation. PART II.-OTHER APPLICATIONS 137
Any other application Three years. When the right to for which no period of application limitation is provided elsewhere in this Division. -----
----- 1 Subs. by Act 52 of 1964, s. 3 and Sch. II, for "Where".