

DISTRICT JUDICIARY, KURNOOL

WORKSHOP-I YEAR 2025

TOPICS FOR PAPER PRESENTATION:

LAW ON LIMITATION: a) Limitation-Suits, Appeals, Applications
b) Computation of period of limitation

PAPER PRESENTATION
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LAW OF LIMITATIONS, LIMITATIONS ON SUITS, APPEALS AND APPLICATIONS, COMPUTATION OF PERIOD

1. The Code of Civil Procedure confers a right to appeal but does not prescribe a period of limitation for filing an appeal. The Limitation Act 1963, however, provides the period for filing appeals. It states that appeals against a decree or order can be filed in a high court within 90 days and in any other court within 30 days from the date of the decree or order appealed against.
2. It is for the general welfare that a period be put on litigation. Further, it is a general principle of law that law is made to protect only diligent and vigilant people. Equity aids the vigilant and not the indolent. The law will not protect people who are careless about their rights. Moreover, there should be certainty in law and matters cannot be kept in suspense indefinitely. It is, therefore, provided that Courts of Law cannot be approached beyond a fixed period. The Limitation Act of 1963 provides the limit in civil matters.
3. The “Law of Limitation” prescribes the time limit for different suits within, which an aggrieved person can approach the court for redress or justice. The suit, if filed after the expiration of a time limit, is struck by the law of limitation. It's meant to protect the long and established user and to indirectly punish persons who go into longer slumber over their rights.
4. The statutory law was established in stages. The very first Limitation Act was enacted for all the courts in India in 1859. And finally took the form of the Limitation Act in 1963.
5. A citizen is not expected to master the various provisions which provide for limitation in different matters but certain

basic knowledge in this regard is necessary. For instance, Section 12 of the Limitation Act lays down certain guidelines regarding the computation of the limitation period. It says that 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.

6. Further, the day on which the judgement complained of was pronounced and the time requisite for obtaining a copy of the decree, sentence or order appealed from shall be excluded. However, 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.
7. Section 14 of the Act, similarly, says that in computing the period of limitation, for any suit, the time during for which the plaintiff has been prosecuted in civil proceedings, whether in a court of first instance or of appeal or revision against the defendant shall be excluded where the proceedings relate to the same matter in a court which is unable to entertain it on account of defect of jurisdiction or other cause of a like nature.

WHAT DOES THE LIMITATION PERIOD MEAN?

The law prescribes different periods within which a person who has a grievance should go to court. For example, if somebody has borrowed your money and not returned it, you should approach the court within three years from the date you lent the money. If you don't go to the court within that time, the courts will not be of help to recover your money. This is called the Limitation period. After the limitation period, you cannot enforce your rights in a court. The

Limitation Act, of 1963 prescribes different limitation periods for different kinds of claims.

BAR OF LIMITATION

- Subject to provisions of sections 4 to 24 of the Limitation Act, 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.[section 3(1)].
- ‘Period of Limitation’ means the period of limitation prescribed for any suit, appeal or application by the schedule to the Act and ‘prescribed period’ means the period of limitation computed as per provisions of the Act. [section 2(j)].
- PERIOD AS PRESCRIBED IN SCHEDULE TO THE ACT- The period has been prescribed in schedule to the Act. Generally, it is as follows:
 - (a) 3 years for a suit relating to accounts, contracts, declarations, decrees, suits relating to movable property, recovery of law suit under a contract etc.
 - (b) 12 years for suits relating to possession of immovable property and 30 years for mortgaged property.
 - (c) One year for suits relating to torts.
 - (d) 30 to 90 days in case of appeals under the Civil Procedure Code and Criminal Procedure Code.- The period of filing an appeal and application can be extended if proper cause is shown[section 5].
- If the court is closed on the last day, the suit can be filed on the next day when the court reopens. [section 4].

- CONTINUOUS RUNNING OF TIME - When once period of limitation starts running, it continues even if there is any subsequent disability or inability to institute a suit or make an application.[section 9].— However, at the time when a person is entitled to file a suit or make an application, if a person is disabled, the period of limitation will start after the disability is removed.[section 6(1)].
- A misjoinder of parties or of the cause of action shall be deemed to be a cause of a like nature mentioned above. Under section 15 of the act, the time during which an injunction or restraining order issued by a court remains in force is to be excluded when computing the period of limitation for any suit or application for the execution of a decree. In cases, where previous consent or sanction of the government or any other authority is required under the law, the time required for obtaining such consent or sanction shall be excluded. When a defendant has been absent from India, the time during which he has been absent can be excluded from the period of limitation.
- In case, the prescribed period for any suit, appeal or application expires when the court is closed, the suit, appeal or application may be instituted on the day when the court reopens, as provided under section 4 of the act. This is based on the principle “actus curial neminem gravabit”, which means that an act of court shall not prejudice anyone. The court can condone the delay if satisfied that it causes were beyond the control of the plaintiff too.

CONDONATION OF DELAY RULE 3-A:

- Condonance may be made when an accuser has previously forgiven or condoned the act about which they are complaining. In some legal jurisdictions, and for certain behaviours, it may prevent the accuser from prevailing.
- Rule 3-A has been inserted by the Amendment Act of 1976. It provides that when an appeal has been presented after the expiry of the period of limitation specified therefore, it shall be accompanied by an application that the applicant has sufficient cause for not preferring the appeal within the time.
- Prior to the insertion of rule 3-A, the practice was to admit such an appeal subject to the opinion regarding limitation. This practice was disapproved by the privy—council, and it stressed the expediency of adopting a procedure for securing the final determination of the question as to limitation before admission of appeal. This rule is added to give effect to the recommendation of the privy council.
- As observed by the Supreme Court in the state of M.P v. Prandeep Kumar, the object of the provision is two-fold: firstly, to inform the appellant that the delayed appeal will not be entertained unless it is accompanied by an application accompanying the delay, and second, to communicate to the respondent that it may not be necessary for him to get ready on merits as the court has to first deal with an application for condonation of delay as a condition precedent. The provision in the Howe directory is not mandatory. If the memorandum of appeal is filed without an accompanying application for condonation of delay, the consequence is not necessarily fatal. The defect is curable.

JUDICIAL ACTIONS:

Raj Bahadur Singh & Another v. D.J. & Others: According to the learned judge the application 4-GA(format of an application used under order 9, rule 9 of the Civil Procedure Code, 1908) had been rejected on two grounds firstly being barred by limitation and secondly being without any valid ground. Thus, the appeal filed by the respondents was fully maintainable. He further submitted that the learned District Judge vide order dated 11.2.2002 had admitted the appeal while overruling the preliminary objections, and the writ petition filed by the petitioners is not maintainable. In the present case the question is as to whether an appeal lies against an order passed by the trial Court wherein it had by a common order rejected both the applications under section 5 of the Limitation Act and order 9 Rule 13 C.P.C. on the ground that the application is barred by Limitation and no ground for condonation of delay has been made out, or a revision lies. If it is held that no appeal lies then the order admitting the appeal is wholly without jurisdiction and in such a circumstance a writ petition is maintainable.

LIMITATION OF SUITS, APPEALS and APPLICATIONS **(sections 3 to 11): a**

SECTION 3

- Subject to the provisions contained in Sections 4 to 24, 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.
- For this Act- a suit is instituted- in an ordinary course when the plaint is presented to the proper officer,

- a) in the case of a pauper, when the application for leave to sue as a pauper is made; and • in the case of a claim against a company which is being wound by the court, when the claimant first sends in his claim to the official liquidator, • any claim by way of set-off or counterclaim, shall be treated as a separate suit and shall be deemed to have been instituted- -•in the case of set-off, on the same date as the suit in which the set off is pleaded
- b) in case of counter-claim, on the date on which the counter claim is made in the court. Section 3 of the Limitation Act enjoins a court to dismiss any suit instituted, appeal preferred and application made after the period of limitation prescribed therefore by the Schedule irrespective of the fact whether the opponent had set up the plea of limitation or not. It is the duty of the court not to proceed with the appliance if it is made beyond the period of limitation prescribed.
- c) The court had no choice and if in construing the necessary provision of the Limitation Act or in determining which of the limitation act applies, the subordinate court comes to an erroneous decision, it is open to the court in revision to interfere with that conclusion as that conclusion led the court to assume or not to assume the jurisdiction to proceed with the determination of that matter. Decree not a nullity- Even if it is true that it is the duty of the court to take note of the provisions of S.3 of the limitation Act and to dismiss a suit when it is found that it is barred by limitation, if the court without taking note of the said provisions decides a suit on merits, the decree is not a nullity. It is merely an error of law which can be rectified in

the manner provided by the Code of Civil Procedure. The decree or order cannot be held to be a nullity (Ittyavira Mathai v. Varkey Varkey, AIR 1964 SC 907) Section 3 limits the time after which a suit or other proceeding would be barred. The right to sue and the commencement of the running of time for the purpose of the limitation depend on the date when the cause of action arose. A cause of action is a fact or combination of facts that gives a person the right to seek judicial redress or relief against another. Section 3 bars only the institution of suits, applications and appeals, and the period within which the same has to be filed. But so far the defence is concerned there is no such limitation. There can be no period of limitation for acts which the courts are bound to perform. Section 2(j) Prescribed Period- “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 following the provisions of this Act.

- Shrimant Sham Rao Suryavanshi v. Pralhadbhairoba Suryavanshi, 2002, 3 SCC 676- It is, therefore, manifest that the limitation act doesn't extinguish a defence but only bars the remedy. Since the period of limitation bars a suit for specific performance of a contract, if brought after the period of limitation, it is open to a defendant in a suit for recovery of possession brought by a transferor to take a plea in defence of part-performance of the contract to protect his possession, though he may not be able to enforce that right through a suit or action.

- **SECTION 4**: Expiry of the prescribed period when the 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 reopens.
- 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 4 has nothing to do with the period of limitation. It does not add to the period of limitation. It only extends the concession that is not-withstanding that the period of limitation expires on a day when the court is closed suit appeal or application may be filed on the day on which the court reopens.
- **SECTION 5**: Section 5 of the Limitation Act, 1963 allows for the condonation of delay in filing appeals or applications after the prescribed period of limitation, provided the appellant /applicant demonstrates a “sufficient cause” for the delay.This means that the court can accept a late filing if the applicant explains why they couldn’t file within the time limit. The concept of “sufficient cause” is interpreted liberally by courts to ensure justice is served, even if there is a slight delay.

SUFFICIENT CAUSE:

- Sufficient cause means there should be adequate reasons or reasonable grounds for the court to believe the applicant was

prevented from proceeding with the application in a court of law.

- Section 5 allows the extension of the prescribed period in certain cases on sufficient cause being shown for the delay
- In the state of West Bengal vs Administrator(1972):
 - a) The Supreme Court held that the extension of time is a matter of concession and cannot be claimed by the party as a matter of right.
 - b) It is difficult and undesirable to precisely define the meaning of sufficient cause. It must be determined by the facts and circumstances of each case. However, a sufficient cause should fulfil the following essentials:
 - i) It must be a cause which was beyond the control of the party invoking it
 - ii) He must not be guilty of negligence.
 - iii) His diligence and care must be shown.
 - iv) His intention must be bonafide.

ILLUSTRATIONS OF SUFFICIENT CAUSE FOR CONDONATION OF DELAY:

- i) The applicant was misled by any order, practice or judgement of the court in ascertaining or computing the prescribed period.
- ii) Serious illness of the applicant.
- iii) Significant changes in the law.
- iv) Applicant is disqualified under any law for the time being in force.
- v) Delay in procuring copies from the officials.

LATEST JUDGMENT:

Pathapati Subba Reddy (Died) by L.R.s. and Ors. Vs. The Special Deputy Collector(2024):

- The Supreme Court held that, in case a party is found to be negligent, or for want of bonafide on his part in the facts and circumstances of the case or found to have not acted diligently or remained inactive, there cannot be justified grounds to condone the delay.

SECTION 6:

- 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 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 therefore in the third column of the Schedule.
- 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.
- Where the disability continues up to the death of that person, his legal representative may institute the suit or make an application within the same period after the death, as would otherwise have been allowed from the time so specified.

- 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 subsections (1) and (2) shall apply.
- 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 the person had he not died.
 - i) Explanation: For this section ‘minor’ includes a child in the womb. This section will not grant indulgence to a minor entitled to prefer an appeal; it provides only for suits or applications for execution of the decree.

Section 7:

- Disability of one of several persons—Where one of several persons jointly entitled to institute a suit or make an application for 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 when 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 1: This section applies to a discharge from every kind of liability including a liability in respect of any immovable property.
- Explanation 2: For the purpose 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.

- **Narayan v. Babasaheb**, 2016(2) JBCJ 415(SC): (2016)6 SCC 725 Facts: A Hindu man who was the original owner of the ancestral property died leaving his two sons, one being minor, along with 4 daughters and his widow. A sale deed was executed by the widow (D2) in favour of one D1 on 20.1.1982 and on 28.11.1988 for the same property. In 1989, suit is filed by the sons and daughters for recovery of possession and setting aside the sale deed executed by their mother who has been arrayed D2 and the purchaser made party as D1. The first appellate court concluded that Article 60 of the limitation act, is not applicable to the case as D2 is not the guardian appointed by the court. Question whether the suit was barred by limitation, being hit by: Article 60 which prescribes a limitation of 3 years after the ward attains majority to set aside the transfer of property made by guardian of ward OR Article 109 which prescribes a limitation of 12 years when the suit is by a Hindu governed by Mitakshara law to set aside alienation made by father of his ancestral property

SECTION 8:

- Special exceptions—Nothing in section 6 or 7 applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than 3 years from the cessation of disability or the death of the person affected thereby, the period of limitation for any suit or application. The combined effect of s.6, and s.8, read with the third column of the appropriate

article of the Limitation Act would be that a person under disability may sue within the same period as would otherwise be allowed from the time specified therefore in the third column of the schedule but the special limitation as an exception has been provided in s.8, laying down that the extended period after cessation of disability would not be beyond 3 years of the cessation of the disability or the death of the disabled person.

- Kolandavel Goukder v.Chinnapan, AIR 1965 Mad 541 Facts: Some joint family property was sold by the father acting for himself and on behalf of his minor sons in 1940 and the purchaser made further sale in 1942. Possession passed from father to the alienee on 17.8.1942. In this suit filed on 9.1.1958 by the sons it was contended that the period of limitation i.e, 12 years should be counted from the date of the youngest son attaining majority or in the alternative, when the first son becomes the manager of the property after the death of his father in April, 1948 so that he became capable of giving discharge on behalf of his brothers also. In the light of this, the period will start running against them all only from April,1948.

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. 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. Limitation cannot run unless the cause of action has arisen. A cause of action normally accrues when there is in existence a person who can sue and another can be sued, and when all the facts happened which are material to be proved to entitle the plaintiff to succeed. Where time has begun to run owing to the right to sue having accrued to a person not labouring under any legal disability, the subsequent disability of himself or his son or other representative is not a ground of exemption from the operation of the ordinary rule.

SECTION 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 of trust for any specific purpose, or against his legal representatives or assigns, to follow 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 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.

SECTION 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 the state of Jammu and Kashmir or in a foreign country shall be 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 the 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 a foreign country during the period prescribed.

COMPUTATION OF PERIOD OF LIMITATION

- Section 12. Exclusion of time in legal proceedings.
- Section 13. Exclusion of time in cases where leave to sue or appeal as a pauper is applied for.
- Section 14. Exclusion of time of proceedings bonafide in court without jurisdiction.
- Section 15. Exclusion of time in certain other cases.
- Section 16. Effect of death on or before the accrual of the right to sue.
- Section 17. Effect of fraud or mistake.
- Section 18. Effect of acknowledgement in writing.
- Section 19. Effect of payment on account of debt or interest of legacy.
- Section 20. Effect of acknowledgement or payment by other person.

- Section 21. Effect of substituting or adding new plaintiff or defendant.
- Section 22. Continuing breaches and torts.
- Section 23. Suits for compensation for acts not actionable without special damage.
- Section 24. Computation of time mentioned in the instruments.

SECTION 12: EXCLUSION OF TIME IN LEGAL PROCEEDINGS:

- 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.
- In computing the period of limitation for an appeal or application for leave to appeal or for revision or for review of a judgement, the day on which the judgement complained 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.
- 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 copy of the judgment.
- In computing the period of limitation for an application to set aside an award, the time requisite for obtaining a copy of the awards shall be excluded.

Case laws:(1). State of Maharashtra vs v.M.R. Apte AIR 1988 SC 1305:

Principle: Time taken to obtain a certified copy must be excluded, even if the application for the copy was made a few days delay.

- Kailash v. Nanhku (2005) 4 SCC 1: Explained section 12(2) in detail and emphasised that time taken for preparing the certified copy is to be excluded whether or not it is due to appellants delay.
- Union of India v. Pramod Gupta (2005) 12 SCC 1: Explained section 12(2) in detail and emphasised that time taken for preparing the certified copy is to be excluded whether or not it is due to appellants delay.

SECTION 13: EXCLUSION OF TIME IN CASES WHERE LEAVE TO SUE OR APPEAL AS A PAUPER IS APPLIED FOR:

- If a person applies for permission to sue or appeal as a pauper and the application is rejected or allowed but the suit or appeal is eventually filed, then the time spent during the pendency of that application is excluded from the limitation period for filing the suit or appeal.
- The application to sue or appeal as a pauper must be bona fide.
- The time for filing the paper application to the decision on it is excluded.
- Applies only when the suit or appeal is filed afterwards, either with court fees or without.
- Case laws:

(1). Ganesh Prasad v. Lakshmi Narayan AIR 1985 MP 191: When an application to appeal as a pauper is rejected and the appeal is then filed with court fees, the time taken in pauper proceedings must be excluded under section 13. It ensures that litigants are not penalised for seeking pauper status in good faith.

(2). Jugal Kishore v. Dhanno Devi AIR 1973 All 158: If the application to sue as a pauper is accepted, the suit is deemed to be filed on the date of pauper application. No limitation issue arises.

(3). Chandrika Prasad v. Beni Prasad AIR 1952 All 716: Reinforced that the benefit of section 13 is available even if the application is ultimately rejected, provided the actual suit/appeal is filed promptly after.

SECTION 14: EXCLUSION OF TIME OF PROCEEDINGS BONAFIDE IN COURT WITHOUT JURISDICTION:

- If a litigant prosecuted civil proceedings in good faith in a court that lacked jurisdiction then the time spent in that proceeding is excluded from the limitation period for filing a fresh case in a competent court.
- Previous proceedings must have been diligently and in good faith prosecuted.
- It must relate to the same matter in issue.
- The earlier court must have been unable to entertain the case due to a defect of jurisdiction or similar cause.
- The current case must be filed in a competent court.
- Case laws:

(1). Roshanlal v. R.B. Mohan Singh Oberoi AIR 1960 SC 940: Even if the earlier case was withdrawn or dismissed due to lack of jurisdiction, the time spent is excluded if the litigant acted in good faith and with due diligence.

(2). Union of India v. West Coast Paper Mills (2004) 2 SCC 747: Section 14 applies even when the earlier proceedings were before a wrong forum, provided that the party was acting in good faith.

(3). Zila Sahkari Kendriya Bank v. Sharma Construction Co. (2004) 2 SCC 385: Explained good faith under section 14. A litigant must genuinely believe the court had jurisdiction and must have prosecuted the matter diligently.

SECTION 15: EXCLUDES OF TIME IN CERTAIN OTHER CASES:

- Allows for exclusion of time from the limitation period when legal proceedings are stayed by an injunction or order, the institution or execution of a suit or application is legally restricted, A notice or sanction is required before the institution.
- Section 15(1): If a suit or execution proceeding is stayed by injunction or order the period during which the stay was in effect is excluded from limitation.
- Section 15(2): If a law requires notice before suing, the notice period is excluded.
- Section 15(3) to Section 15(5): Cover situations like; Leave to sue a minor's estate, Trusts or charitable endowments, and Proceedings requiring previous consent/ sanction of government.
- Case laws:

(1). M/s. Lakshmiratan Engineering Works v. Asst. commissioner(Sales tax) AIR 1968 SC 488: When a stay order prevents a party from initiating proceedings, the time during which the stay was operative is excluded from limitation under section 15(1).

(2). India House v. Kishan N. Lalwani (2003) 9 SCC 393: The court held that pendency of a restraint order or injunction will suspend the limitation, even if it turns out the party could have acted despite it if they acted bona fide.

(3). Union of India v. Tarachand Gupta and Bros AIR 1971 SC 1558: Section 15(2) applies where mandatory notice is required, e.g., Section 80 CPC. The period of notice is not counted in a limitation.

SECTION 16: EFFECT OF DEATH ON OR BEFORE THE ACCRUAL OF THE RIGHT TO SUE:

- Section 16 deals with how death affects the start of the limitation period when

(1). The person who has the right to sue dies before the right accrues, or

(2). The person against whom the right lies dies before the right accrues.

- Section 16(1): If a person who would have had the right to sue dies before the right accrues, the limitation period begins when there is a legal representative capable of suing.

- Section 16(2): If a person against whom the right to sue exists dies before the right accrues, limitation begins when there is the legal representative of the deceased who could be sued.

- Section 16(3): This section does not apply to suits to enforce rights of pre-emption, or for possession of immovable property.

- Case laws:

(1). Shiv Dayal v. Sant Ram AIR 1951 All 791: If the plaintiff dies before the right to sue accrues, limitation starts only when a legal representative becomes capable of suing.

(2). T. Kaliamurthi v. Five Gori ThaikalWakf (2008) 9 SCC 306: Section 16(3) was discussed—it bars the application of section 16 to suits for possession of immovable property, reaffirming that limitation still runs even if death occurs.

SECTION 17: EFFECT OF FRAUD OR MISTAKE:

- When a suit or application is based on fraud or mistake the limitation period doesn't begin until the fraud is discovered or the mistake is known or could have been discovered with reasonable diligence.

- The fraud/ mistake must directly relate to the cause of action.
- Plaintiff must prove they were kept from knowledge despite reasonable diligence.

- Once discovered, the limitation starts running.

- Case laws:

(1). P.S. Sadasivaswamy v. State of Tamil Nadu (1975) 1 SCC 152: Limitation does not automatically extend merely because a person alleges fraud there must be a clear proof of it and that it prevented earlier action.

(2). Ramesh B Desai v. Bipin Vadilal Mehta (2006) 5 SCC 638: Section 17 is applicable only when the plaintiff could not have discovered the fraud/ mistake despite reasonable diligence.

(3). Raja Harish Chandra Raj Singh v. Dy. Land Acquisition Officer AIR 1961 SC 1500: Limitation start when the party first becomes aware of the cause of action—used as a guiding principle even before Section 17 was codified.

SECTION 18: EFFECT OF ACKNOWLEDGEMENT IN WRITING:

- If, before the expiration of the prescribed limitation period, a person acknowledges liability in writing and signs it, a fresh limit period begins from the date of acknowledgement.
- Acknowledgement must be in writing.
- It must be signed by the party against whom the right is claimed.
- It must be made before the original limitation period expires.
- It need not contain a promise to pay but must admit the existence of a legal relationship.
- It must relate to an existing liability.
- Case laws:

(1). Shapoor Freedom Mazda v. Durga Prasad Chamaria AIR 1961 SC 1236: Acknowledgement under section 18 must be conscious and voluntary and should show a clear admission of liability.

(2). Sampuran Singh v. Niranjana Kaur (1999) 2 SCC 679: A mere reference to a past debt is not enough. There must be a clear admission of the subsisting liability.

(3). Food Corporation of India v. Assam State Coop. Marketing (2004) 12 SCC 360: An acknowledgement in a balance sheet or a statement of account can extend limitation if it meets the conditions under Section 18.

SECTION 19: EFFECT OF PAYMENT ON ACCOUNT OF DEBT OR ON INTEREST OF LEGACY:

- If any part payment of a debt or interest on a legacy is made before the expiration of the limitation period and it is acknowledged in writing by the debt, a fresh limitation period starts from the date of that payment.
- Payment must be paid within the original limitation period.
- It must be a part payment of a debt or interest of legacy.
- The payment must be acknowledged in writing.
- The acknowledgement must be signed by the person making the payment or their agent.
- Case laws:

(1). Seth Talakchand v. Moolchand AIR 1925 Nag 218: Part payment restarts limitation only when accompanied by a written acknowledgement, not just oral payment.

(2). Sant Lal Mahton v. Kamla Prasad AIR 1951 SC 477: Payment by a third party can extend limitation only if authorised by the debtor.

During the COVID-19 period (specifically between March 15, 2020, and February 28, 2022), the limitation period for legal actions was extended. Regardless of the original limitation period, all persons were given a new 90-day period from March 1, 2022, to file their cases. The Indian government extended the limitation period for various legal actions to address the challenges caused by the COVID-19 pandemic. The extension applied to the period between March 15, 2020, and February 28, 2022, according to the Supreme Court of India ruling.

CONCLUSION:

The computation of the Limitation period under the Limitation Act of 1963 is guided by the combination of general principles and specific exceptions provided across Sections 12 to 24. These provisions aim to balance the interests of both parties— ensuring timely assertion of rights while also protecting those who may have been prevented from acting due to valid reasons such as fraud, mistake or legal restrictions.

Sri R.V.V.S. Murali Krishna	V Additional District and sessions Judge, Allagadda
Smt.B.Radha Rani	Principal Civil Judge, Senior division, Nandyal
Smt.S.Lakshmi Karri,	Additional Civil Judge, Junior Division, Nandyal

