

1. Conditions as to time and Limitation under different Statutes
2. Different reliefs with different period of limitation
3. Amendment of pleadings – the aspect of Limitation

by

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Introduction:

The Law of Limitation is a **Procedural Law**. Thus, it can be said that the rules of the Law of Limitation are generally concerned with the **rules of procedure** and **which do not create any rights in favour of any particular person nor do they define or create any cause of action**. It has been simply prescribed that the **remedy can be exercised only for a limited fixed period of time and not subsequently**.

The rules of limitation are not meant to destroy the rights of the parties. They are meant to see that the plaintiff do not take dilatory tactics but seeks remedy within the period stipulated by the legislature. **The rules of limitation thus will only bar the remedy but does not extinguish the right**. The right continues to exist even though remedy is barred by limitation. Therefore, a debtor may pay the time barred debt and cannot claim it back on the plea that it was barred by limitation.

The maxim "**interest reipublicae ut sit finis litium**" underpins the Limitation Act, 1963, meaning that it is in the State's interest to limit litigation to prevent on going disturbances and ensure justice.

The word limitation in its literal term means **a restriction** or **the rule or circumstances which are limited**. The law of limitation has been prescribed as the time limit which is given for different suits & proceedings to the aggrieved person within which they can approach the court **for redress** or **justice**.

Object & Concept :

The basic concept of limitation is relating to fixing or prescribing of the time period for barring legal actions. According to Section 2 (j) of the Limitation Act, 1963 '**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.

The main object of the time and limitation is to provide a specific time frame in which a person can file a suit or proceedings in a court. If no such time limit is in existence then it will lead to never ending litigation as the person can file a suit or proceedings for the cause of action which was done many years back. It prevents disturbance in society by suppressing fraud and perjury. In other words, the law of limitation aims to protect the lengthy process of penalizing a person indirectly without an offence.

The Hon'ble Supreme Court in the case of **Rajender Singh & Ors Vs Santa Singh & Ors, AIR 1973 SC 2537** observed that

*"The object of the law of limitation is to **prevent disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence, or laches.**"*

Doctrine of Limitation and Prescription :

There are two major considerations on which the Doctrine of Limitation and Prescription are based on – **firstly**, the rights which are not exercised for a long time are said to be as non-existent and **secondly**, the rights which are related to property and rights which are in general should not be in a state of constant uncertainty, doubt and suspense.

In **Balakrishnan Vs. M.A.Krishnamurthy**, AIR 1988 SC 3222, **the Hon'ble Supreme Court held** that "the Law of Limitation is based upon a public policy which is used for fixing a life span of a legal remedy or unnecessary delay for the purpose of general welfare. It is enshrined in the maxim Interest reipublicae up sit finis litium (it is for the general welfare that a period be put to litigation)."

Time Limit

The Limitation Act, 1963 prescribes various time limits for different types of suits and applications:

- A suit must be filed within a specific period after the cause of action arises.
- An appeal must be filed within a certain time after the judgment or order is rendered.
- Certain rights or claims become unenforceable after a prescribed period of time.
- **Maximum Limitation Period Prescribed:** The maximum period of limitation extends up to **30 years**.

- **Minimum Limitation Period Prescribed:** The minimum period can be as short as **10 days**.

The Limitation Act contains 32 Sections and 137 Articles. The articles have been divided into **10 parts**. 137 Articles prescribing time limit for **Suits, Appeals and Applications**.

1. **Articles 1 to 113 - Suits**
2. **Articles 114 to 117 - Appeals**
3. **Articles 118 to 137 – Applications**

The **first part** is relating to **accounts**, the **second part** is relating to **contracts**, the **third part** is relating to **declaration**, the **fourth part** is relating to **decrees and instruments**, the **fifth part** is relating to **immovable property**, the **sixth part** is relating to **movable property**, the **seventh part** is relating to **torts**, the **eighth part** is relating to **trusts and trust property**, the **ninth part** is relating to **miscellaneous matters** and the **last part** is relating to **suits for which there is no prescribed period**. 10 Types of suits are categorized under the following articles.

1. Suits relating to accounts (Art. 1 to 5)
2. Suits relating to Contracts (Art. 6 to 55)
3. Suits relating to declarations (Art. 56 to 58)
4. Suits relating to decrees and instruments (Art. 59 to 60)
5. Suits relating to immovable property (Art. 61 to 67)
6. Suits relating to movable property (Art. 63 to 71)
7. Suits relating to tort (Art. 72 to 91)
8. Suits relating to trusts and trust property (Art. 92 to 96)
9. Suits relating to miscellaneous matters (Art. 97 to 112)
10. Suits for which there is no prescribed period (Art. 113)

- **12 Years of Limitation:** Suits relating to immovable property, trusts, and endowments.
- **3 Years of Limitation:** Suits relating to Accounts, contracts and declarations, suits relating to decrees or instruments, as well as suits relating to movable property.
- **1 to 3 Years of Limitation:** Cases concerning Miscellaneous Matters, Torts and Suits for which no specific limitation period is provided elsewhere in the Limitation Act.

Special Consideration for Legal Disabilities:

A situation may exist where, due to his physical or mental condition, the person may not be able to file a suit or make an application. In such cases, the law is not the same and additional rights and benefits are accorded to individuals with disabilities. The Limitation Act considers the legal disabilities of individuals e.g., **minors** or **those of unsound mind (minority, insanity and idiocy)** when calculating the limitation period. The limitation period commences only after the disability ceases, ensuring that vulnerable individuals are not unfairly disadvantaged.

Regarding **suits to enforce rights of pre-emption**, the extended limitation period under Section 6 or Section 7 does not apply 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.

This concept enshrined in Section 6 of the Limitation Act, 1963 also extends to other Sections within the same Act like Sections 7, 8 and 9 which play an important role in this concept. Section 6 provides special consideration for individuals with legal disabilities, such as being a **minor, insane, or idiot**. It extends the limitation period for such individuals, ensuring they are not deprived of their right to seek justice due to their incapacity. The **limitation period starts only after the disability ceases or after all disabilities cease if there are multiple**.

1. Starting Point of Limitation Period :

The limitation period is not counted from the time the cause of action arises, but rather from the time the legal disability ceases.

2. Multiple Disabilities:

If a person has multiple disabilities, like being both a minor and insane, the limitation period starts only after all disabilities have ceased.

3. Disability Until Death:

If the disability continues until the person's death, their legal representative can initiate legal proceedings within the same period after the death as would have been allowed from the original start date.

4. Legal Representative's Disability:

If the legal representative is also affected by a disability, the same rules apply and the limitation period starts after that disability also ceases.

5. Special Exception:

Section 8 further clarifies that the extended period for legal disabilities is **not unlimited**, but is capped at **3 years** after the disability ceases or the person's death.

Easement Rights:

Under the Limitation Act 1963, land owners can enjoy uninterrupted usage of land for **20 years** through **an easement**, promoting stability in property rights. **Section 25** of the Limitation Act deals with the **acquisition of easements by prescription**, meaning acquiring a right of way or other easement by continuous and uninterrupted use for a specified period. The core principle is that if an easement has been peacefully and openly enjoyed for **20 years** without interruption, the right to that easement becomes **absolute and indefeasible**. If the **property is Government property**, the period is extended to **30 years**.

Comprehensive Coverage:

The Limitation Act, 1963 has a wide range of applications, covering almost all court proceedings. It includes definitions of 'application' to encompass any petition, original or otherwise, and extends to all petitions and applications under special laws.

Consent for Suits Against Foreign Entities:

Sections 86 and 87 of C.P.C require the consent of **the Central Government** before **suing foreign rulers, ambassadors and envoys**. The Limitation Act **excludes the time obtained for such consent** when computing the limitation period for filing these suits.

Reduction of Limitation Period:

The limitation period has been reduced from **60 years** to **30 years** for suits by the mortgagor for the redemption or recovery of possession of immovable property mortgaged, or in cases of mortgages for foreclosure, or suits by or on behalf of the Central Government or any State Government under the Limitation Act, 1963.

Appeal Against Death Sentence :

The minimum period for an appeal against a death sentence passed by the High Court or the Court of Session in the exercise of original jurisdiction has been raised to **30 days** from the **date of the sentence**.

Exclusions in Limitation Calculation :

Certain periods are excluded from the Limitation Act, 1963 when computing the limitation period, such as the time required to revise, review, and file or obtain a copy of the decree, order, or appeal. This ensures that delays caused by procedural steps do not unfairly penalize the claimant.

No uniform of Limitation :

There is no uniform of Limitation prescribed under the Limitation Act, 1963 for the suits under which the classification has been attempted.

KEY PROVISIONS

I. The Limitation Act, 1963:

(i) Section 3 - Bar of Limitation: No suit, appeal, or application shall be entertained if it is filed after the prescribed time limit and every if any suit instituted, appeal preferred and application made after the prescribed period shall **be dismissed, although limitation has not been set up as a defence.**

(ii) Section 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.**

(iii) Section 5 - Extension of Limitation : Courts can extend the limitation period if the applicant proves sufficient cause for delay to the Appeals and Application but not the applications filed under Order 21 of CPC.

(iv) Section 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 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.

But, while computing 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**.

(v) Excluding the Time Spent :

(a) Section 14 of the Limitation Act excludes **time spent in bona fide court proceedings** in the courts without jurisdiction. This section applies to **suits, applications and fresh suits instituted on permission granted by the court**.

(b) Excluding the time in certain other cases - **Section 15 of the Limitation Act** outlines other situations where the period of limitation excludes **when a suit or application is stayed by injunction, when notice or consent is required, or when a receiver or liquidator is appointed in insolvency or company winding-up proceedings**.

(c) Effect of death on or before the accrual of the right to sue - Section 16 of the Limitation Act, 1963 addresses the effect of death on the accrual of the right to sue, specifically when the right to sue arises upon the death of a person or if the person against whom the right to sue accrues dies before the right accrues. It essentially extends the limitation period in such scenarios, starting from the time a legal representative of the deceased becomes available.

But, it shall not apply to suits to **enforce rights of pre-emption or to suits for the possession of immovable property** or of a **hereditary office**.

(d) On account of Fraud or Mistake :

Section 17 of the Limitation Act, addresses the **impact of fraud or mistake on the period of limitation** for a **suit or application**. It essentially **extends the limitation period** when a party's right of action is **concealed or made unknown due** to fraud or mistake. Specifically, the period of limitation does not begin to run until the plaintiff or applicant **discovers** the fraud or mistake, or could have discovered it with reasonable diligence, or has the means of producing a concealed document.

(vi) Section 18 - Effect of acknowledgment in writing : a fresh period of limitation shall be computed from the time when the acknowledgment was so

signed before the expiration of the prescribed period for a suit or an application in respect of any property or right, title or liability.

(vii) Effect of Substituting or Adding a party :

Section 21 of the Limitation Act outlines the effect of substituting or adding a **new plaintiff or defendant in a suit**. Generally, a newly added party is deemed to have been made a party on the date they were formally added. However, if the court finds that the omission to include the new party was a good faith mistake, it can deem the suit as having been instituted on an earlier.

(viii) Continuing Breaches or Torts :

Section 22 of the Limitation Act extends a **fresh period of limitation begins** to run for continuing **breaches of contract or continuing torts** at every moment the breach or tort continues. This means that if a wrong or breach is ongoing, **a new cause of action arises** with each moment it persists, effectively extending the time to file a suit.

(ix) Suits for compensation for acts not actionable without special damage:

Section 23 of the Limitation Act outlines the limitation period for suits for compensation arising from acts that do not automatically create a cause of action without resulting in specific injury. The limitation period in such cases is calculated from the time **when the injury actually occurs**.

(x) Computation of time mentioned in instruments:

Section 24 of the Limitation Act, deals with the computation of time in legal instruments. It stipulates that all instruments, for the purposes of this Act, are deemed to be made with reference to the **Gregorian Calendar**. This means that any time period specified in a **legal document** (like a contract or a promissory note) will be calculated using the **Gregorian Calendar**, even if the document itself uses a different calendar system,

(xi) Exclusion in favour of reversioner of servient tenement :

Section 26 of the Limitation Act, concerns the exclusion of time in computing the period of limitation when an **easement is enjoyed over land or water held under a life interest or a term exceeding three years**. The time of enjoyment of the easement during the continuation of such interest or term is excluded if the person entitled to the **land or water resists the claim within 3 years** after the

determination of the interest or term. This provision protects reversioners who may be legally barred from asserting their claim to the property due to certain circumstances.

(xii) Section 27 - Extinguishment of right to property - extinguishes a person's right to property when the limitation period for instituting a suit for its possession expires. This means that if a person fails to file a lawsuit to claim possession of property within the prescribed time, they lose their right to that property and it remains with the current possessor.

COMPUTATION OF PERIOD OF LIMITATION FOR EASY REFERENCE

Part III- Sections 12-24 of Limitation Act, 1963 provides for computation of the period of limitation. They either **exclude time of reckoning the period of limitation** or **postpone starting point of limitation**.

(a) Sections 12-15 of the Limitation Act provide for the exclusion of time in computing the period of limitation prescribed by law. Those provisions, inter alia, exclude the following periods:

1. The day on which the period of limitation is to be reckoned.
2. The day on which the judgment/order/award is pronounced.
3. The time spent in obtaining the copy of decree/order/award/sentence.
4. The time spent in prosecuting an application to sue as an indigent person.
5. The time spent in proceedings taken bonafide (in good faith) in court having no jurisdiction.
6. The time during which stay or injunction operated.
7. The time spent in giving notice or for obtaining consent or sanction required by law.
8. The time during which there was receiver or liquidator.
9. The time during which proceedings to set aside sale were pending (in a suit for possession).
10. The time during which the defendant had been out of India.

(b) **Sections 16-23** of the Limitation Act provide for **postponement of limitation**. In the following cases, there is a postponement of limitation, i.e. the period of limitation will not start running.

1. In case of fraud or mistake, the period of limitation will not start running till such fraud or mistake is discovered.
2. In case of right or liability, a fresh period of limitation will start running from the date of acknowledgement in writing of such right or liability by the party.
3. In case of debt, payment will provide a fresh period of limitation from the time of such payment.
4. Where after the institution of a suit, a new plaintiff or defendant is added or substituted, the suit shall be deemed to be instituted against him when he was made a party. But if the court is satisfied that such omission was due to bonafide mistake, the suit shall be deemed to have been instituted on an earlier date.
5. In case of continuing breach of contract or tort a fresh period of limitation begins to run every moment till breach or tort continues.
6. In a suit for compensation for an act not actionable without special damage, the period of limitation will be computed from the time the injury result.

KEY ARTICLES ON LIMITATION FOR READY REFERENCE

- **For Recovery of Money (Debt): 3 years** from the date of the debt is due (Article 19).
- **For Contracts: 3 years** from the date of breach (Article 54).
- Recovery of **Money Based on Negotiable Instruments** - Suits on promissory notes, bills of exchange and cheques must be filed within **3 years from the date of dishonor**.
- **For Tort Claims: 1 year** from the date of the cause of action (Article 58).
- **For Possession of immovable property** based on previous possession not on title or title: 12 years from the date of dispossession (Articles 64 & 65).
- **For delivery of possession of Immovable property by the Court to Action Purchaser** (O.21 R 95 CPC) at a sale in execution of a decree **is 1 year** from the sale becomes absolute (Art.134).
- To record an **adjustment** or **satisfaction of a decree, the limitation is 30 days** from the date of **payment** or **adjustment** - O 21 R 2 of CPC- Art.125 Limitation Act.
- Limitation for the **payment** of the **amount** due under **Decree by Installments** is **30 days** from the date of Decree - O 21 R 11 (2) C.P.C- Art.126 of Limitation Act.

- Limitation to **set aside sale** in execution of decree including E.A. filed by J.Dr is **60 days** from the date of sale- O 21 R 89, 90 and Sec 47 of CPC- Art.127 of Limitation Act.
Note: For an EA u/O 21 R 89 of CPC, the time for deposit is **30 days** from the date of sale as per the Hon'ble Supreme Court decision reported in 1990 (1) M.L.J. 36 to 40.
- Limitation for **re-delivery of possession** u/O 21 R 99 C.P.C is **30 days** from the date of dispossession- Art.128 Limitation Act.
- Limitation for **removal of resistance or obstruction to delivery to delivery** is **30 days** from the date of resistance or obstruction u/Or 21 R 97 CPC- Article 129 Limitation Act.
- **For Execution of Decree-** The limitation for execution of a **decree** (other than the decree granting maintenance, mandatory and perpetual injunction) or **order** of any Civil Court is **12 years** from the date of the Decree (Art.136).
- For Execution of the Decree granting **Mandatory Injunction is 3 years** from the date of the Decree or where a date is fixed for performance, such date – Art.135.
- For Execution of **Arrears of Maintenance** by a Hindu is **3 years** when the arrears are payable – Art. 105.
- There shall be **no time limit/limitation** for **Enforcement** or **Execution** of a **Decree** granting a **Perpetual/ Permanent Injunction-** Art.136.
- For Execution of **Arrears of Maintenance** by a Hindu is **3 years** when the arrears are payable – Art. 105.
- Limitation for **setting aside a transfer of property made by the guardian of a ward**, by the ward who has attained majority and the period is to be computed from the date when the ward attains majority **is 3 years** – Art.60.
- Limitation to **set aside a decree passed exparte** or to rehear **an appeal decreed** or **heard exparte** is **30 days** from the **date of the decree** or where the **summons** or **notice** was **not duly served**, when the **applicant had knowledge of the decree-** **Art.123**. But, for the purpose of this article, **substituted service** under O.5 Rule 20 of CPC shall **not be deemed to be due service**.

Case Law:

1. In **P.K.Kutty Anuja Raja & Anr Vs State Of Kerala & Anr** AIR 1996 SC 2212, the Hon'ble Supreme Court clearly held that

"Once the limitation starts running, it runs its full course until the running of the limitation is interdicted by an order of the Court. Section 3 of the Limitation Act gives a power of entertaining the suit which says that, "Subject to the provisions contained in Sections 4 to 24 (inclusive), every suit prescribed period shall be dismissed although limitation has not been set up as a defence. Therefore, if any period of limitation is to be excluded from the prescribed period of limitation, the party necessarily has to satisfy any of the appropriate provisions in Section 4 to 24 of the Limitation Act, 1963."

2. In **Damodaran Pillai and others Vs South Indian Bank Ltd.**, AIR 2005 SC 3460, the Hon'ble Supreme Court clarified that

"An application to set aside or restore the dismissal order under Order 21 Rule 106 CPC shall be filed within 30 days. an application under Sec.5 of the Limitation Act is not maintainable in a proceeding arising under O.21 of the CPC. The question of invoking inherent powers under Section 151 of CPC, does not arise in this case. That is because of the specific provision contained under rule 106 of Order 21 of CPC. A fortiori for the said purpose, inherent power of the Court cannot be invoked."

3. In **M.Ponnupandian Vs Selvabakiyam and others**, (2003) 3 MLJ 590 (Mad), the Hon'ble Madras High Court held that

"Under Order XXI Rule 106 (3) of C.P.C an application under sub rule (1) shall be made within 30 days from the date of the order or where in the case of an ex parte order the notice was not duly served, within 30 days from the date when the applicant had knowledge of the order. It is well settled that Section 5 of the Limitation Act, 1963 as well Section 151 of C.P.C are not applicable to the petitions filed for setting aside the orders passed ex parte u/Order 21 Rule 106 CPC."

4. Very recently on 15.04.2025, the Hon'ble Apex Court in **Nikhila Divyang Mehta & Anr Vs Hitesh P Sanghvi & Ors**, 2025 INSC 485 held that

"First of all, the limitation has to run from the date when the cause of action first accrued and not any subsequent date for the cause of action."

It is further held in the same Judgment that

“Therefore, once the plaint or the suit in respect of the main relief stands barred by time, the other ancillary relief claimed therein also falls down.”

5. In Ramlal, Motilal and Chhotelal Vs. Rewa Coalfields Ltd. AIR 1962 SC 361, the Hon’ble Supreme Court held that

*“Even if **the sufficient cause has been shown** a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a condition precedent for the exercise of the discretionary jurisdiction vested in the court by section 5. This aspect of the matter naturally introduces the consideration of all facts and it is at this stage the diligence of the party of its bona fides may fall for consideration.”*

6. Recently in Pathapati Subba Reddy (Died) by L.Rs. & Ors. Vs The Special Deputy Collector (LA), [2024] 4 S.C.R. 241, the Hon’ble Supreme Court held that

*“Section 5 of the Limitation Act is to be construed liberally, but on the other hand, Section 3 of the Limitation Act, being a substantive law of mandatory nature has to be interpreted in a strict sense. In **Bhag Mal alias Ram Bux and Ors. Vs. Munshi (Dead) by Lrs., and Ors**, it has been observed that different provisions of Limitation Act may require different construction, as for example, the court exercises its power in a given case liberally in condoning the delay in filing the appeal under Section 5 of the Limitation Act, however, the same may not be true while construing Section 3 of the Limitation Act. It, therefore, follows that though liberal interpretation has to be given in construing Section 5 of the Limitation Act but not in applying Section 3 of the Limitation Act, which has to be construed strictly.”*

*“Generally, the courts have adopted a very liberal approach in construing the phrase ‘sufficient cause’ used in Section 5 of the Limitation Act in order to condone the delay to enable the courts to do substantial justice and to apply law in a meaningful manner which sub-serves the ends of justice. In **Collector, Land Acquisition, Anantnag and Ors., Vs. Katiji and Ors**, this Court in advocating the liberal approach in condoning the delay for ‘sufficient cause’ held that ordinarily a litigant does not stand to benefit by lodging an appeal late; **it is not necessary to explain every day’s delay in filing the appeal**; and since sometimes refusal to condone*

*delay may result in throwing out a meritorious matter, **it is necessary in the interest of justice that cause of substantial justice should be allowed to prevail upon technical considerations and if the delay is not deliberate**, it ought to be condoned. Notwithstanding the above, howsoever, liberal approach is adopted in condoning the delay, existence of 'sufficient cause' for not filing the appeal in time, is a condition precedent for exercising the discretionary power to condone the delay. The phrases '**liberal approach**', '**justice-oriented approach**' and cause for the advancement of '**substantial justice**' **cannot be employed to defeat the law of limitation so as to allow stale matters or as a matter of fact dead matters to be revived and re-opened by taking aid of Section 5 of the Limitation Act.**"*

7. Limitation expired during Covid 19 Pandemic:

The Hon'ble Supreme Court in Miscellaneous Application No. 21 of 2022 in Miscellaneous Application No.665 of 2021 in SUO MOTU WRIT PETITION (C) NO.3 of 2020 **dated 10.1.2022**, "has excluded time period from **15.3.2020 till 28.2.2022** as may be prescribed under **general or special laws** in respect of **judicial and quasi-judicial proceedings** and further ordered that consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022."

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

It is also further clarified that the period from 15.03.2020 till 28.02.2022 shall also stand excluded in computing the periods prescribed under **Sections 23 (4) and 29A** of the **Arbitration and Conciliation Act, 1996**, **Section 12A** of the **Commercial Courts Act, 2015** and **provisos (b) and (c) of Section 138** of the **N.I Act, 1881** and **any other laws**, which prescribe period (s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings."

II. The Civil Procedure Code, 1908 (C.P.C) :

The C.P.C outlines various rules regarding time limitations for different civil actions.

- a) **Section 148 Enlargement of time :**
- b) Where any period is fixed or granted by the Court for the doing of any act prescribed or allowed by this Code, the Court may, in its discretion, from time to time, enlarge **such period not exceeding 30 days in total even though the period originally fixed or granted may have expired.**
- c) **Section 149 of CPC** doesn't prescribe a specific time limit for the court to grant permission to pay court fees. **Instead, it empowers the court to allow payment of court fees at any stage of the proceedings,** even after the time limit for filing the relevant document **has passed so as to address deficiencies or omissions in payment of court fee.**
- d) Order VIII Rule 1 – **Prescribes time limit to the defendant to file written statement of his defence** within 30 days **from the date of service of summons on him and if he fails file his written statement within 30 days, on reasons to be recorded in writing, the courts can extend time to file the same** upto 90 days **from the** date of service of summons.
- e) But, under the Commercial Courts Act, 2015 (Act.4 of 2016 w.e.f 23.10.2015) time can grant time to the defendant to file his written statement **upto 120 days** from the date of service of summons.
- f) **Order XI Rule 5** – On the application of any party to the suit or proceedings, the court can issue notice to any party or person for production of any document/s by giving not less than **7 days** and **not more than 15 days** to produce such document or to answer to their inability to produce such document.
- g) **Order 16 Rule 1** – Within **15 days** after the date on which the issues are settled, the parties shall present in Court a list of witnesses whom they propose to call either **to give evidence** or to **produce documents** and **obtain summons to such persons** for their attendance in Court.
- h) **Order XX Rule 1** - The court must **pronounce the Judgment** in civil cases in open court either immediately after the case has been heard or as soon as practicable. If immediate pronouncement is not possible, the court must pronounce the Judgment within **30 days** and in exceptional circumstances, the period can be extended but it does not exceed **60 days** from completion of hearing with due notice to the parties and in **Commercial Courts**, it can be

extended up **90 days** from the conclusion of arguments to prevent unnecessary delays in the judicial process and ensure that justice is dispensed without unreasonable waiting periods.

- i) **Order 20 Rule 6A** - Every endeavour shall be made to ensure that the **decree is drawn** up as expeditiously as possible and in any case, within **15 days** from the date on which the Judgment is pronounced.
- j) **When the 2-years Rule applies** : If the execution petition is filed within two years, a show cause notice is not required and the court can proceed with the execution directly. There are exceptions to the two-years Rule. For instance, if the last order in a previous execution petition was made within 2 years of new execution petition a show cause notice is not necessary.
- k) Filing an execution petition **beyond 2 years** requires a **show cause notice** to the J.Dr as per Order 21 Rule 22 of C.P.C but for reasons to be recorded if the court considers that issue of such notice would cause unreasonable delay or would defeat the ends of justice, the court can dispense with such show cause notice to the J.Dr. However, the **overall limitation period** for filing an **execution petition** is **12 years** from the date the **decree becomes enforceable**.
- l) **Order 21 Rule 41** – On the application of D.Hr for non satisfying the money Decree for a period of **30 days from the date of Decree**, the Court may, by order require the J.Dr or where the J.Dr is a corporation, any officer thereof, to make an affidavit stating the particulars of assets of J.Dr. If disobeys such order, the J.Dr be detained in civil prison for a term not exceeding **3 months** unless before the expiry of such term the Court directs his release.
- m) Order 21 Rule 68 - Time of sale :
- n) **No sale** shall take place without the consent in writing of the J.Dr or until expiration of at least **15 days** in the case of **immovable property** and **7 days** in the case of **movable property**, calculated from the date on which copy of the proclamation has been affixed on the court notice board of ordering the sale.
- o) **Order 21 Rule 69- Adjournment or stoppage of sale** :
- p) The Court may, in its discretion, adjourn any sale to a specified day and hour and the officer conducting any such sale may in his discretion adjourn the sale, recording his reasons for such adjournment but no such adjournment shall be made without the leave of the Court. Where **a sale is adjourned for a longer**

period than **30 days** a fresh proclamation under Rule 67 shall be made, unless the J.Dr consents to waive it.

- q) Time limit for **detention of an arrested J.Dr in court premises** under custody of officer of court **shall not exceed 15 days**- 1st proviso to O.21 R.40 of C.P.C- Form No.14 A.
- r) Time limit for deposit of **1/4th sale proceeds** is **immediately after conducting of sale**. If the Dhr is the purchaser it may be dispensed with.
- s) Time limit for deposit of **3/4th of sale proceeds** and **Sale Certificate Charges** (Rule 94 of C.R.P) or **amount required for stamps** is **15 days** from the **date of sale - O.21 R.85 of CPC**.
- t) Time limit for payment (deposit) of **any batta** in **execution** except sale warrant batta is within **2 days** or **period if so fixed by the Judge**- Rule 144 C.R.P.
- u) Time for payment of **sale proclamation batta** along with Sale Papers and Tom Tom charges (movables) is within **2 days** from the date of order - **Mandatory provision**- Rule 187 of CRP.
- v) Time for payment of **sale warrant batta** is **a week** before date fixed for sale - **Mandatory provision**- Rule 187 of CRP.
- w) Time to return of **Decree of other courts** entered in CR.15 if execution is not levied in execution court is **within 3 days** after expiry of **1 year time** from the date of receipt of other court decree. (Date of transmission is not the criteria)- Rule 138 CRP.
- x) **Time for sale** for immovables after expiry of **15 days** from the date on which copy of proclamation is affixed on the court notice board and for **movables** it is **7 days**- Or 21 R 68 of CPC.
- y) To set **aside sale** in cases relating to **debts due on Mortgage Deed**- **any time before confirmation of Sale** - O.34 R.5 of C.P.C.
- z) **Legal Representatives in EP** - If J.Dr died pending E.P, then application needs to be filed u/Sec.50 CPC. Order 22 rule 12 CPC to be taken note of. **Order 22 Rules 3,4,8 of CPC not applicable to Execution proceedings. No abatement in EP**. Hence **reasonable time be given to implead Lrs** and if not, EP may be dismissed for default. Since no abatement is there, fresh EP may be filed under O.21 R 16 CPC.

Limitation for preferring a **revision** under CPC or Cr.P.C is **90 days** from the date of the **decree or order or sentence** sought to be revised under Art.131 of the Limitation Act, 1963. Section 5 of the Limitation Act also applies to civil

revisions and if the delay is satisfactorily explained, the same may be condoned by the revisional courts.

III. The Specific Relief Act, 1963:

Section 6 of the Act, provides a remedy for **individuals dispossessed of immovable property** without their consent and without due process of law. It allows the dispossessed person to recover possession through a suit, regardless of any other claim to the property. The suit must be filed within **6 months of the dispossession**. But, no suit can be brought against the government. There are no appeals or reviews allowed for orders or decrees in these suits. However, Section 6 does not prevent anyone from later suing to establish their title to the property and recover possession.

IV. The Transfer of Property Act, 1882:

Section 106 of the Transfer of Property Act, deals with the duration of leases when there's no written contract or local usage to the contrary. In such cases, a lease for agricultural or manufacturing purposes is deemed **a yearly lease, terminable by 6 months' notice**, while other leases are **monthly, terminable with 15 days' notice**. The **notice period starts from the date the notice is received**.

V. The Consumer Protection Act, 2019:

Limitation Period for Consumer Disputes: The Consumer Protection Act, 2019, provides for a limitation period within which a complaint must be filed.

Section 38 - Time Limit for Filing a Complaint: A complaint must be filed within **2 years** from the date of the cause of action.

Extension of Limitation: The period may be extended if the **complainant is able to prove that they were unable to file within the stipulated time due to a reasonable cause**.

VI. The Arbitration and Conciliation Act, 1996:

Limitation in Arbitration Proceedings: Arbitration, as a mode of dispute resolution, also has specific time frames that need to be adhered to.

Section 34 - Time Limit to File an Appeal Against Arbitrator Award: An application to challenge an arbitrator award must be made within **3 months** from the date of the award.

Section 29A - Time Limit for Completion of Arbitration Proceedings:

The entire arbitration process must be completed **within a 12-month period**, though this can be extended by **6 months** with **mutual consent**.

VII. The Negotiable Instruments Act, 1881:

The limitations or conditions under Section 138 are as follows:

Dishonor of the Cheque: The cheque must be dishonored due to reasons like insufficient funds or if the drawer has stopped payment or closed account.

30 days Mandatory Notice is Requirement: The payee (the person to whom the cheque is issued) must send a written notice to the drawer within **30 days** of receiving the information about the dishonor of the cheque. This notice must demand the payment of the cheque amount.

Time to Pay After Notice: The drawer has **15 days time** to make the payment of cheque amount after receiving the notice. If the payment is not made within these 15 days, it is considered an offence u/Section 138 and from 16th day onwards the cause of action arose to initiate complaint against the drawer u/Sec.138 of N.I Act.

Limitation for Filing a Complaint:

A complaint u/Section 138 can only be filed within **one month** after the 15-day period has expired, i.e., within **45 days** from the date of receiving or returned as unclaimed or refused or if the notice is sent to correct address of the drawer but unserved the same.

Cognizance by Magistrate:

The Magistrate may take cognizance of the offence if the complaint is made within this limitation period of **one month** from the date the cause of action arises. cognizance of a complaint can be taken by the court even after the prescribed period, if the complainant satisfies the Court that he had sufficient cause for not making a complaint within such period and that too after issuing notice to the accused, of delay condonation application and after deciding delay condonation application, to take cognizance, as per the decision of **Hon'ble Supreme Court** in the case of **P. K. Choudhury Vs. Commander**, 48 BRTF (GREF) reported in AIR 2008 SC 1937.

Key Limitations Under Section 138

30 days to issue a notice after the dishonor.

15 days to pay the amount after receiving the notice.

1 month to file a complaint after expiry of 15-day period.

VIII. The Companies Act, 2013:

Limitation Periods for Corporate Matters: The Companies Act prescribes limitation periods for filing petitions, appeals and other legal actions related to corporate governance.

Section 241 - Petition for Oppression and Mismanagement: A petition for oppression or mismanagement must be filed **within 3 years** from the date of the alleged act of oppression or mismanagement.

Section 247 - Valuation of Shares: A petition for determining the fair value of shares under the Companies Act must be made **within a reasonable time** frame, often linked to specific agreements or events.

IX. Special Laws with Specific Time Limitations:

1. The Income Tax Act, 1961: Under Section 153, the limitation for completing the assessment or re-assessment is typically **12 months** from the end of the assessment year in which the return was filed.

2. The Environment Protection Act, 1986: The limitation period for filing suits in environmental matters is generally set at **3 years** from the date of the cause of action.

X. BNSS, 2023:

Chapter XXXVIII consisting Sections 513 to 519 of BNSS, 2023 deal with Limitation for taking cognizance of certain offences

Elaboration:

- **Definition:** Section 513 provides a definition specifically for the term "**period of limitation**" as used within the context of this Chapter of the BNSS. It clarifies what is meant by "**period of limitation**" within this specific part of the law, referring it to the **time limit** outlined in Section 514 for initiating legal action against a crime.
- **Section 514 deals with the bar to take cognizance of an offence after a certain period of time has elapsed.**

1. Bar on Cognizance After Limitation Period :

- Courts are prohibited from taking cognizance of certain offenses after the expiration of specified limitation periods, except as otherwise provided in the Sanhita.

2. Specified Limitation Periods :

- **6 months:** For offences punishable with fine only.
- **1 year:** For offences punishable with imprisonment for a term not exceeding one year.
- **3 years:** For offences punishable with imprisonment for a term exceeding one year but not exceeding three years.
- **No limitation period for** Offences punishable **with death, life imprisonment, or imprisonment exceeding three years** which permits legal action can be initiated at any time.

3. Determination of Limitation for Joint Trials :

- When multiple offenses are tried together, the limitation period is determined based on the offense with the most severe punishment.

4. Starting Point :

The limitation period begins **on the date of the incident.**

5. If there is a **continuation of the offence**, the **limitation** period starts from the **last date on which the offence was committed.**

6. Computation of Limitation Period :

- The period of limitation is calculated **from the date of filing a complaint** under **Section 223** or **the date of recording information** under **Section 173** of the BNSS.

Section 515 deals with **Extension of Period of Limitation in Certain Cases :**

- For example:
 - **Delayed discovery** of the offence by the victim.
 - **Reasonable cause** shown for delays in filing complaints.

Section 516 deals with **Exclusion of Time in Certain Cases :**

- Provides for specific exclusions in computing the limitation period, such as:
 - The **time taken by the victim or complainant to obtain required permissions** (e.g., sanctions for prosecution).
 - **Delays caused by procedural requirements or errors.**

Section 518 deals with **Judicial Discretion in Delay ;**

- Courts may allow **cognizance beyond the limitation** period if **sufficient cause is demonstrated**, particularly in cases involving vulnerable victims.

CASE LAW:

1. In **Sarah Mathew Vs Institute of Cardio Vascular Diseases**, (2014) 2 SCC 62, a five Judges Constitutiona Bench of the Hon'ble Supreme Court held that

“The limitation period is satisfied if the complaint is filed within the prescribed time frame, regardless of when the court takes cognizance. This ensures that delays attributable to the court do not prejudice the complainant.”

2. In **State of Himachal Pradesh Vs. Tara Dutt, (2000) 1 SCC 230**, the Hon’ble Supreme Court determined that

“The limitation provisions of the CrPC apply to offenses under special laws unless explicitly excluded. This underscores the necessity of timely prosecution across various statutes.”

3. In **Vanka Radhamanohari v. Vanka Venkata Reddy (1993) 3 SCC 4**, the Hon’ble Supreme Court clarified that

“The limitation period begins on the date of the offence or when the offence comes to the knowledge of the aggrieved party or a police officer, whichever is earlier. This interpretation ensures clarity in determining the start of the limitation period.”

4. In **State of Punjab v. Sarwan Singh (1981) 3 SCC 34**, the Hon’ble Supreme Court emphasized that

“Undue delay in initiating criminal proceedings can prejudice the accused’s right to a fair trial. The Court advocated for prompt action to uphold the integrity of the judicial process. The object of Cr.P.C in putting a bar of limitation on prosecutions was clearly to prevent the parties from filing cases after a long time, as a result of which material evidence may disappear and also to prevent abuse of the process of the court by filing vexatious and belated prosecutions long after the date of the offence. The object which the statutes seek to subserve is clearly in consonance with the concept of fairness of trial as enshrined in Article 21 of the Constitution of India. It is, therefore, of the utmost importance that any prosecution, whether by the State or a private complainant must abide by the letter of law or take the risk of the prosecution failing on the ground of limitation.”

Other areas where timelines are fixed on procedural aspects in the BNSS, 2023

SEC:	CONTENT
S.19	<p>Assistant Public Prosecutors -</p> <p>19 (3) Where no Assistant Public Prosecutor is available for the purposes of any particular case, the District Magistrate may appoint any other person to be the Assistant Public Prosecutor in charge of that case after giving notice of 14 days to the State Government:</p>
S.84	<p>Proclamation for person absconding.</p> <p>84 (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than 30 days from the date of publishing such proclamation.</p>
S.117	<p>Seizure or attachment of property.</p> <p>If an officer conducting an investigation under Section 116 believes a property is at risk of being concealed, transferred, or dealt with in a way that would make it unavailable, they can order its seizure. If seizure is not practical, they can order attachment, preventing transfer without permission.</p> <p>Court Confirmation</p> <p>Any order made under this section requires confirmation by the court within 30 days.</p>
S.119	<p>Notice of forfeiture of property.</p> <p>This Section deals with the "Notice of forfeiture of property". Specifically, it specifies the process for issuing a notice for forfeiture of property when there is a reason to believe that property is proceeds of crime calling upon such person within a period of 30 days specified in the notice to indicate the source of income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars and to show cause why all or any of such properties, as the case may be, should not be declared to be proceeds of crime and forfeited to the Central Government.</p>
S.144	<p>Order for maintenance of wives, children and parents</p> <p>An application for the monthly allowance for the interim maintenance and expenses of proceeding under the second proviso shall, as far as possible, be disposed of within 60 days from the date of the service of notice of the application to such person.</p>
S.157	<p>Section 157 deals with the procedure when a person against whom an order is made under Section 152 appears to show cause. If the person appears and presents their reasons, the Magistrate must take evidence, similar to a summons-case. If the Magistrate is satisfied that the order is reasonable, it will be made absolute, either as originally made or with modifications. If not satisfied, no further action is taken. The proceedings shall be completed within as soon as possible, within a period of 90 days, which may be extended for the reasons to be recorded in writing to 120 days</p>

S.173	<p>Information in cognizable cases</p> <p>(ii) by electronic communication, it shall be taken on record by him on being signed within 30 days by the person giving it and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may by rules prescribe in this behalf:</p> <p>(3) On receipt of information relating to the commission of any cognizable offence, which is made punishable for three years or more but less than seven years, the officer in charge of the police station may with the prior permission from an officer not below the rank of Deputy Superintendent of Police, considering the nature and gravity of the offence,—</p> <p>(i) proceed to conduct preliminary enquiry to ascertain whether there exists a prima facie case for proceeding in the matter within a period of 14 days;</p>
S.184	<p>Medical examination of victim of rape.</p> <p>This section outlines the process for medical examination of a rape or attempted rape victim. It mandates that the examination be conducted by a registered medical practitioner, preferably from a Government or local authority hospital and within 24 hours of the incident being reported. The victim's consent (or a competent person's consent on her behalf) is required before the examination. The examination report must be forwarded to the investigating officer and then to the Magistrate within 7 days.</p>
S.187	<p>Procedure when investigation cannot be completed in 24 hours</p> <p>(2) The Magistrate to whom an accused person is forwarded under this section may, irrespective of whether he has or has no jurisdiction to try the case, after taking into consideration whether such person has not been released on bail or his bail has been cancelled, authorize, from time to time, the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding 15 days in the whole, or in parts, at any time during the initial 40 days or 60 days out of detention period of 60 days or 90 days, as the case may be, as provided in sub-section (3), and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction.</p> <p>The Magistrate may authorize the detention of the accused person, beyond the period of 15 days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorize the detention of the accused person in custody under this sub-section for a total period exceeding 90 days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of 10 years or more;</p> <p>60 days, where the investigation relates to any other offence and on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXV for the purposes of that Chapter.</p> <p>Where a Magistrate is not available, arrested accused shall forthwith transmit to the nearest Executive Magistrate and thereupon such Executive Magistrate, may, for reasons to be recorded in writing, authorize the</p>

	<p>detention of the accused person in such custody as he may think fit for a term not exceeding 7 days in the aggregate and on the expiry of the period of detention so authorized, the accused person shall be released on bail except where an order for further detention of the accused person has been made by a Magistrate competent to make such order; and, where an order for such further detention is made, the period during which the accused person was detained in custody under the orders made by an Executive Magistrate under this sub- section, shall be taken into account in computing the period specified in sub-section (3):</p>
S.193	<p>Report of police officer on completion of investigation</p> <p>(ii) the police officer shall, within a period of 90 days, inform the progress of the investigation by any means including through electronic communication to the informant or the victim;</p> <p>(9) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (3) has been forwarded to the Magistrate and where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form as the State Government may, by rules, provide; and the provisions of sub-sections (3) to (8) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (3):</p> <p>Provided that further investigation during the trial may be conducted with the permission of the Court trying the case and the same shall be completed within a period of 90 days which may be extended with the permission of the Court.</p>
S.218	<p>Prosecution of Judges and public servants</p> <p>The Government shall take a decision within a period of 120 days from the date of the receipt of the request for sanction and in case it fails to do so, the sanction shall be deemed to have been accorded by such Government:</p>
S.230	<p>Supplying copies of police report and other documents to the accused</p> <p>In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay and in no case beyond 14 days from the date of production or appearance of the accused, furnish to the accused and the victim (if represented by an advocate) free of cost the documents referred under section.</p>
S.232	<p>Commitment of case to Court of Session when offence is triable exclusively by it.</p> <p>The proceedings under this section shall be completed within a period of 90 days from the date of taking cognizance and such period may be extended by the Magistrate for a period not exceeding 120 days for the reasons to be recorded in writing:</p>

S.250 & 262	<p>When accused shall be discharged.</p> <p>The accused may prefer an application for discharge within a period of 60 days from the date of commitment of the case under Section 232 in Court of Sessions and from the date of supply of copies of documents under Section 230 in Calendar cases before the Magistrate, respectively.</p>
S.251 & 263	<p>Framing of charge</p> <p>If, after such consideration and hearing, the Judge of Court of Sessions or the Magistrate as the case may be is of opinion that there is ground for presuming that the accused has committed an offence which is exclusively triable by the Court concerned, he shall frame in writing a charge against the accused within a period of 60 days from the date of first hearing on charge, respectively.</p>
S.258	<p>Judgment of acquittal or conviction</p> <p>After hearing arguments and points of law (if any), the Judge of Court of Sessions shall give a Judgment in the case, as soon as possible, within a period of 30 days from the date of completion of arguments, which may be extended to a period of 45 days for reasons to be recorded in writing.</p>
S.272	<p>Absence of complainant</p> <p>When the proceedings have been instituted upon complaint and on any day fixed for the hearing of the case, the complainant is absent and the offence may be lawfully compounded or is not a cognizable offence, the Magistrate may after 'giving 30 days' time to the complainant to be present, in his discretion, notwithstanding anything herein before contained, at any time before the charge has been framed, discharge the accused.</p>
S.279	<p>Non-appearance or death of complainant</p> <p>(1) If the summons has been issued on complaint and on the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, after giving 30 days' time to the complainant to be present, acquit the accused, unless for some reason he thinks it proper to adjourn the hearing of the case to some other day:</p>
S.290	<p>Application for plea bargaining</p> <p>(1) A person accused of an offence may file an application for plea bargaining within a period of 30 days from the date of framing of charge in the Court in which such offence is pending for trial.</p> <p>(4) (a) The Court is satisfied that the application has been filed by the accused voluntarily, it shall provide time, not exceeding 60 days, to the Public Prosecutor or the complainant of the case and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case and thereafter fix the date for further hearing of the case;</p>
S.330	<p>No formal proof of certain documents</p> <p>(1) Where any document is filed before any Court by the prosecution or the accused, the particulars of every such document shall be included in a list</p>

	and the prosecution or the accused or the advocate for the prosecution or the accused, if any, shall be called upon to admit or deny the genuineness of each such document soon after supply of such documents and in no case later than 30 days after such supply :
S.346	<p>Power to postpone or adjourn proceedings</p> <p>(2) If the Court, after taking cognizance of an offence, or commencement of trial, finds it necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, it may, from time to time, for reasons to be recorded, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody:</p> <p>Provided that no Court shall remand an accused person to custody under this section for a term exceeding 15 days at a time :</p>
S.356	<p>Inquiry, trial or judgment in absentia of proclaimed offender</p> <p>Under this section the Court shall not commence the trial unless a period of 90 days has lapsed from the date of framing of the charge.</p> <p>(2) The Court shall ensure that the following procedure has been complied with before proceeding under sub-section (1), namely:— issuance of two consecutive warrants of arrest within the interval of at least 30 days; publish in a national or local daily newspaper circulating in the place of his last known address of residence, requiring the proclaimed offender to appear before the Court for trial and informing him that in case he fails to appear within 30 days from the date of such publication, the trial shall commence in his absence;</p>
S.392	<p>Judgment</p> <p>The Judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court by the presiding officer immediately after termination of the trial or at some subsequent time not later than 45 days of which notice shall be given to the parties or their advocates,—</p> <p>Provided that the Court shall, as far as practicable, upload the copy of the judgment on its portal within a period of 7 days from the date of judgment.</p>
S.419	<p>Appeal in case of acquittal</p> <p>(5) No application under Sub-section (4) for the grant of special leave to appeal from an order of acquittal shall be entertained by the High Court after the expiry of 6 months, where the complainant is a public servant and 60 days in every other case, computed from the date of that order of acquittal.</p>
S.435	<p>Abatement of appeals</p> <p>(2) Every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant:</p> <p>Provided that where the appeal is against a conviction and sentence of death or of imprisonment, and the appellant dies during the pendency of the appeal, any of his near relatives may, within 30 days of the death of the appellant, apply to the Appellate Court for leave to continue the appeal; and if leave is granted, the appeal shall not abate.</p>

S.464	<p>Suspension of execution of sentence of imprisonment</p> <p>(1) When an offender has been sentenced to fine only and to imprisonment in default of payment of the fine, and the fine is not paid forthwith, the Court may</p> <p>(a) order that the fine shall be payable either in full on or before a date not more than thirty days from the date of the order, or in two or three installments, of which the first shall be payable on or before a date not more than 30 days from the date of the order and the other or others at an interval or at intervals, as the case may be, of not more than 30 days;</p>
S.472	<p>Mercy petition in death sentence cases</p> <p>A convict under the sentence of death or his legal heir or any other relative may, if he has not already submitted a petition for mercy, file a mercy petition before the President of India under article 72 or the Governor of the State under article 161 of the Constitution within a period of 30 days from the date on which the Superintendent of the jail.</p> <p>The petition under sub-section (1) may, initially be made to the Governor and on its rejection or disposal by the Governor, the petition shall be made to the President within a period of 60 days from the date of rejection or disposal of such petition.</p> <p>The Superintendent of the jail or officer in charge of the jail shall ensure, that every convict, in case there are more than one convict in a case, also files the mercy petition within a period of 60 days and on non-receipt of such petition from the other convicts, Superintendent of the jail shall send the names, addresses, copy of the record of the case and all other details of the case to the Central Government or the State Government for consideration along with the said mercy petition.</p> <p>The Central Government shall, on receipt of the mercy petition seek the comments of the State Government and consider the petition along with the records of the case and make recommendations to the President in this behalf, as expeditiously as possible, within a period of 60 days from the date of receipt of comments of the State Government and records from Superintendent of the Jail.</p>
S.480	<p>When bail may be taken in case of non-bailable offence</p> <p>(6) If, in any case triable by a Magistrate, the trial of a person accused of any non-bailable offence is not concluded within a period of 60 days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs.</p>
S.483	<p>Special powers of High Court or Court of Session regarding bail</p> <p>The High Court or the Court of Session shall, before granting bail to a person who is accused of an offence triable under Section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023, give notice of the application for bail to the Public Prosecutor within a period of 15 days from the date of receipt of the notice of such application.</p>

S.497	<p>Order for custody and disposal of property pending trial in certain cases</p> <p>(2) The Court or the Magistrate shall, within a period of 14 days from the production of the property before it, prepare a statement of such property containing its description in such form and manner as the State Government may, by rules, provide.</p> <p>(5) The Court or the Magistrate shall, within a period of 30 days after the statement has been prepared under and the photograph or the videography has been taken under sub-section (3), order the disposal, destruction, confiscation or delivery of the property in the manner specified hereinafter.</p>
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AMENDMENT OF PLEADINGS - THE ASPECT OF LIMITATION

Introduction:

Under C.P.C pleadings refer to the formal written statements submitted by parties in a civil suit, outlining their respective claims, responses and defenses according to O.VI Rule 1 of CPC. These statements, including the plaint (filed by the plaintiff) and the written statement (filed by the defendant), form **the foundation of the legal proceedings** by clearly defining the issues in dispute which the court will resolve.

Order VI Rule 17 of CPC deals with **amending pleadings**. An amendment can involve altering, modifying, or deleting something in those written statements (plaint/petition or Written statement/ counter).

Purpose of Amendment:

- To ensure justice and facilitate the fair determination of the case.
- To allow parties to clarify their claims or defenses and address any factual or legal issues that may have emerged during the proceedings.

Order VI Rule 17 reads as under:

"17. Amendment of pleadings – The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:

Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that inspite of due diligence, the party could not have raised the matter before the commencement of trial."

Power of Amendments is the Discretion of the Courts?

Order 6 Rule 17 of CPC, if perused in its entirety, clearly suggests that it consists of **two parts**; **first part is discretionary** because the word "**may**" has been specifically used and it has been left open for the court to order amendment of the pleadings if necessary for determining the real controversy inter-se parties;

However, **second part is imperative**, where specific word "**shall**" has been used and as such, enjoins the court to allow all the amendments, which are necessary for the purpose to determine the real question or controversy between the parties, but then, party seeking amendment has to show that **despite due diligence**, it was unable to plead such facts at the time of filing of the plaint or written statement.

2002 Amendments to C.P.C introduced the said proviso to Order VI Rule 17, **restricting the court's power to allow amendments** to pleadings **after the commencement of the trial**, unless the court finds that **the party, despite due diligence, could not have raised the matter before the trial**.

The power to allow an amendment is undoubtedly wide and may be appropriately exercised at any stage in the interests of justice, notwithstanding the law of limitation. But the exercise of such **far-reaching discretionary powers** is governed by **judicial considerations** and **wider the discretion, greater ought to be the care and circumspection** on the **part of the Court** as observed by the Hon'ble Supreme Court in the case of **Ganga Bai Vs Vijay Kumar & Ors.** (1974) 2 SCC 393.

Limitation to apply for Amendments:-

- There is **no specific limitation period** proscribed either in CPC or in Limitation Act for applying to amend pleadings under Order VI Rule 17 of CPC, but, the amendments after commencement of the trial are generally restricted unless the court finds the party couldn't have raised the matter earlier despite due diligence and without leave of the court.
- Further, although Order VI Rule 17 permits amendment in the pleadings "at any stage of the proceedings", but a limitation has been en-grafted by means of Proviso to the fact that no application for amendment shall be allowed after the trial is commenced. Reserving the Court's jurisdiction to order for permitting the party to amend pleading on being satisfied that in spite of due diligence the parties could not have raised the matter before the commencement of trial.

Time barred relief can be allowed by amendment?

A time barred relief cannot be allowed to be added in the plaint or counter claim by amendment application moved under Order 6 Rule 17 of CPC when the amendment sought to be made is likely to take away a right approved to the opposite party due to the bar of limitation, such amendment cannot be permitted.

Amendment to add new party against whom claim has become time barred can be allowed?

An amendment Under Order 6 Rule of CPC to add new party against whom limitation had already run out and the claim had become time barred cannot be allowed as per the Judgment of the Hon'ble High Court of Allahabad in the case of Kishan Cooperative Sugar Factory Limited Vs M/s Rajendra Paper Mills, AIR 1984 All 143.

Other Instances for Granting Amendment of Pleadings:-

- **Avoiding Multiplicity of Suits:** When the amendment serves to avoid the need for multiple separate suits.
- **Correcting Wrongful Descriptions :** If parties in the plaint or written statements have been wrongly described, amendments can be made to correct these errors.
- **Adding Omitted Properties :** If the plaintiff/defendant forgets to include certain properties in the plaint/counter claim, they can amend the pleadings to include them.

When the trial commences in a suit ?

Order 18 of CPC deal with "**Hearing of the Suit and Examination of Witnesses**". Issues are framed under Order XIV. At the first hearing of the suit, the Court after reading the plaint and written statement and after examination under Rule 1 of Order XIV is to frame issues. Order XV deals with "**Disposal of the Suit at the first hearing**", when it appears that the parties are not in issue of any question of law or a fact. After issues are framed and case is fixed for hearing and the party having right to begin is to produce his evidence, the trial of suit commences."

Relevant Case Law :

1. In **L.J. Leach & Co. Ltd. Vs Jardine Skinner & Co**, AIR 1957 SC 357, the Hon'ble Supreme Court has held that

“The Court would as a rule decline to allow amendments, if a fresh suit on the amended claim would be barred by limitation on the date of the application. But this is a factor to be taken into account in exercise of the discretion as to whether amendment should be ordered, and does not affect the power of the court to order it.”

2. In the case of **M/S. South Konkan Distilleries & Anr Vs Prabhakar Gajanan Naik & Ors**, AIR 2009 SC 1177, the Hon'ble Apex Court held that

“It is a settled principle that the court can disallow an application for amendment if, on the date of filing the application, it is barred by limitation. Nevertheless, this does not mean the court cannot grant the application. The court retains discretionary power to allow the amendment if it believes it is necessary to serve the interests of justice.”

3. In **Ragu Thilak D.John Vs S.Rayappan & Ors**, 2001 (2) SCC 472, the Hon'ble Supreme Court also observed that ***“where the amendment was barred by time or not, was a disputed question of fact and therefore, that prayer for amendment could not be rejected and in that circumstances the issue of limitation can be made an issue in the suit itself”***.

4. In **Vineet Kumar vs. Mangal Sain Wadhera**, AIR 1985 SC 817, the Hon'ble Supreme Court held that “if a prayer for amendment merely adds to facts already on record, the amendment would be allowed even after statutory period of limitation”.

The Doctrine of “Relates back”:

Meaning: This doctrine essentially allows a **legal event to have retroactive effect**, as if it had happened at an earlier point in time.

The **“doctrine of relates/relation back”** is a legal principle where an act done at a later date is treated as if it occurred at an earlier date. The doctrine of relation back, in the context of **pleading amendments**, essentially means that an amendment to a pleading (like a plaint or written statement) is treated as if it was part of the original pleading from the date it was initially filed. This principle is crucial for determining the limitation period of a suit and ensures that amendments don't unfairly prejudice the other party.

On this aspect, the Hon'ble Apex Court in the case of **Sampath Kumar Vs Ayyakannu And Anr**, AIR 2002 SC 3369, 2) **Prithi Pal Singh and another Vs Amrik Singh and others**, (2013) 9 SCC 576 and 3) **Gurdial Singh Vs Raj Kumar Aneja**, AIR 2002 SC 1003 held that

“An amendment once incorporated relates back to the date of the suit. However, the doctrine of relation back in the context of amendment of pleadings is not one of universal application and in appropriate cases the Court is competent while permitting an amendment to direct that the amendment permitted by it shall not relate back to the date of the suit and to the extent permitted by it shall be deemed to have been brought before the Court on the date on which the application seeking the amendment was filed.”

1. In the case of **Vishwambhar & Ors.Vs Laxminarayan (Dead)** through Lrs. & Anr., (2001) 6 SCC 163, the Hon'ble Supreme Court held that *“the amendment though properly made cannot **relates back to the date of filing of the suit, but to the date of filing of the application**”*.

Failure to Amend within Prescribed Time :

- According to **Order VI Rule 18 of CPC**, if a party obtains an order for leave to amend but fails to amend **within the time specified in the order**, or if **no specific time** is provided, within **14 days** from the date of the order, they **will not be allowed to amend after this prescribed time** unless the court extends the time.
- In other words, if a party does not act promptly to make the amendments within the specified or default time frame, **they may lose the opportunity to amend** their pleadings unless the court decides to grant an extension. This rule helps ensure the orderly progression of legal proceedings.

2. In the case of **Life Insurance Corporation of India Vs Sanjeev Builders Pvt Ltd.**, in Civil Appeal No.5909 of 2022 dated 1.9.2022, the Hon'ble Supreme Court held that

*“It is well settled that **the court must be extremely liberal in granting the prayer for amendment**, if the court is of the view that if such **amendment is not allowed, a party**, who has prayed for such an **amendment, shall suffer irreparable loss and injury**. It is also equally well settled that there is no absolute rule that in every case where a relief is barred because of limitation, amendment should not be allowed.*

It is always open to the court to allow an amendment if it is of the view that allowing of an amendment shall really sub-serve the ultimate cause of justice and avoid further litigation."

3. In the case of **M/s Ganesh Trading Co. Vs Moji Ram**, (1978) 2 SCC 91, the Hon'ble Supreme Court laid down the following principles thus:

*"4. It is clear from the foregoing summary of the main rules of pleadings that provisions for the amendment of pleadings, subject to such terms as to costs and giving of all parties concerned necessary opportunities to meet exact situations resulting from amendments, are intended for promoting the ends of justice and not for defeating them. **Even if a party or its Counsel is inefficient in setting out its case initially the shortcoming can certainly be removed generally by appropriate steps taken by a party** which must no doubt pay costs for the inconvenience or expense caused to the other side from its omissions. **The error is not incapable of being rectified so long as remedial steps do not unjustifiably injure rights accrued."***

Conclusion:

In conclusion, the time limits in the Limitation Act and other Enactments play a vital role in fostering a fair, efficient and prompt litigation ensuring access to justice, promoting finality and preserving evidence. The time frame and Law of Limitation ensure that the parties do not resort to dilatory tactics, avail the remedy promptly, prevent prolonged uncertainty and potential unfairness to opposite party to the litigation.
