

Important Sections of The Limitation Act, 1963 for Judicial Exams

The Limitation Act, 1963, is a crucial statute for judicial aspirants. While a thorough reading of the entire Act and its Schedule is always recommended, certain sections and articles are repeatedly tested due to their fundamental nature and practical application.

Here's an expanded list of important sections, along with key concepts associated with them:

Part I: Preliminary

- * Section 1: Short title, extent and commencement.
 - * Basic understanding of the Act's applicability.
- * Section 2: Definitions. (Extremely Important)
 - * 2(a): "applicant"
 - * 2(b): "application"
 - * 2(c): "bill of exchange"
 - * 2(d): "defendant"
 - * 2(e): "plaintiff"
 - * 2(f): "period of limitation" (The period of limitation prescribed for any suit, appeal or application by the Schedule.)
 - * 2(g): "prescribed period" (The period of limitation computed in accordance with the provisions of this Act.)
 - * 2(h): "promissory note"
 - * 2(i): "suit" (Includes any appeal or application, but not an application under the Code of Civil Procedure, 1908, to which the provisions of section 48 of that Code apply.)
- * Understanding these definitions is fundamental to applying the Act.

Part II: Limitation of Suits, Appeals and Applications

- * Section 3: Bar of limitation. (Most Important)
 - * Explains the fundamental principle that every suit, appeal, or application instituted after the prescribed period shall be dismissed, even if limitation has not been set up as a defence.

- * “Time bars the remedy, but does not extinguish the right” (except in cases under Section 27).

- * Section 4: Expiry of prescribed period when court is closed.

- * Deals with situations where the last day for filing falls on a holiday.

- * Section 5: Extension of prescribed period in certain cases. (Most Important)

- * “Sufficient Cause”: What constitutes “sufficient cause” for condonation of delay (e.g., illness, wrong advice by lawyer, mistake of counsel, delay in getting certified copies, etc.).

- * Applicability: Applies to appeals and applications, but not generally to suits (unless expressly provided by a special or local law).

- * Section 6: Legal disability. (Important)

- * Covers minors, insane persons, or idiots.

- * Effect of disability on the commencement of the limitation period.

- * Section 7: Disability of one of several persons.

- * Joint rights, and when time runs against others.

- * Section 8: Special exceptions.

- * Restrictions on Sections 6 and 7 (e.g., pre-emption suits, maximum period of 3 years after cessation of disability).

- * Section 9: Continuous running of time.

- * Once time begins to run, no subsequent disability or inability stops it.

Part III: Computation of Period of Limitation

- * Section 12: Exclusion of time in legal proceedings. (Very Important)

- * Exclusion of time for obtaining certified copies of judgments, decrees, or orders.

- * Time for day of judgment and date of signing the decree/order.

- * Section 13: Exclusion of time of defendant’s absence from India or certain territories.

- * Section 14: Exclusion of time of proceeding bona fide in court without jurisdiction. (Very Important)

- * Conditions for exclusion (same parties, same matter, due diligence, good faith, defect of jurisdiction or other cause of a like nature).

- * Section 15: Exclusion of time in certain other cases.
 - * Time for notice, injunction, stay, etc.
- * Section 16: Effect of death on or before the accrual of the right to sue.
- * Section 17: Effect of fraud or mistake. (Important)
 - * When the period of limitation begins to run in cases of fraud or mistake.
- * Section 18: Effect of acknowledgment in writing. (Most Important)
 - * Conditions for a valid acknowledgment (in writing, signed, before expiry of limitation period).
 - * Impact on a fresh period of limitation.
- * Section 19: Effect of payment on account of debt or of interest on legacy.
 - * Impact of part payment on a fresh period of limitation for a debt or legacy.
- * Section 20: Effect of acknowledgment or payment by another person.
- * Section 21: Substituted or added plaintiffs or defendants. (Important for procedural law)
- * 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 instruments.

Part IV: Acquisition of Easements by Prescription

- * Section 25: Acquisition of easement by prescription. (Important)
 - * Defines the period for acquiring easements (light, air, way, watercourse, etc.) by peaceful and open enjoyment without interruption for twenty years (or thirty years against government).
- * Section 26: Exclusion in favour of reversioner of servient tenement.
- * Section 27: Extinguishment of right to property. (Most Important)
 - * This is the only section where the right itself (to property), not just the remedy, is extinguished upon expiry of the limitation period. This applies to suits for possession of immovable property.

The Schedule: Articles

The Schedule is divided into three divisions:

- * First Division: Suits (Articles 1 to 113)

- * You must be familiar with the limitation periods for common types of suits. Some frequently asked ones include:

- * Article 54: For specific performance of a contract (3 years).

- * Article 59: For cancellation or setting aside an instrument or decree or for rescission of a contract (3 years).

- * Article 65: For possession of immovable property based on title (12 years).

- * Article 113: For any suit for which no period of limitation is provided elsewhere in the Schedule (3 years – the residuary article).

- * Articles related to money suits, recovery of debts, etc.

- * Second Division: Appeals (Articles 114 to 117)

- * Article 116: For appeals to the High Court from orders of any Civil Court (90 days).

- * Article 117: For appeals to any other court from orders of any Civil Court (30 days).

- * Third Division: Applications (Articles 118 to 137)

- * Article 137: For any other application for which no period of limitation is provided elsewhere in this division (3 years – the residuary article for applications).

- * Applications under CPC (e.g., Order IX Rule 13, Order XLI Rule 19).

Key Takeaways for Students:

- * Purpose: Understand why the Limitation Act exists (preventing stale claims, ensuring finality, protecting defendants).

- * Distinguish between Sections and Articles: Sections lay down the general principles, while Articles in the Schedule specify the exact periods for different actions.

- * “Sufficient Cause” (Section 5): This is a highly tested concept, requiring knowledge of judicial pronouncements.

- * Acknowledgment (Section 18) and Payment (Section 19): Understand their conditions and effects.

- * Distinction between Bar of Remedy (Section 3) and Extinguishment of Right (Section 27): This is a fundamental conceptual difference.

* Exclusion of Time (Sections 12, 14, 15): Know the circumstances under which time is excluded.

By focusing on these sections and related concepts, students can build a strong foundation for answering questions on the Limitation Act in judicial exams.