



Limitation act based on a Maxim "Vigilantibus non dormientibus Jura Subveniunt" which means Law aids vigilant, not those who sleep over their rights.

after Sec 3.

- In Case of Nohar Lal Verma Vs. District Coperative Central Bank Ltd, Jagdalpur. Supreme Court observe that if statute sets particular period of limitation then no Concession or Order can extend this period and authority had no Jurisdiction to Consider Such application which was file after the deadline.

* The term Sufficient Cause has not been defined in limitation act. It depends upon circumstances of each cases.

- It must be a Cause which is beyond the Control of the party.
- It is Court's discretion to extend or not to extend period of limitation even after Sufficient Cause has been shown.

However Court should exercise its discretion Judicially and not arbitrarily.

after Sec 5.

- **In Case of R.B Ram lingam V. Bhvansewari**
Supreme Court of India held Sufficient Cause is purely an individualistic test and not a objective test so two cases cannot be treated alike.
- Each case must be evaluated on its own unique facts and circumstances.
- Courts has discretion to determine what constitutes Sufficient Cause on Case to Case basis.
- There are no fixed categories of Sufficient Cause. every case may have its own uniqueness.

CASE LAW

In Case of G. Ramegowda, Major Etc V. Special Land Acquisition Officer, Bangalore.

- Supreme Court held that Sufficient Cause should be interpreted liberally to promote Substantial Justice.
- Court emphasized that delay in filing appeal should generally be excused to serve justice provided there is no gross negligence, deliberate inaction or lack of good faith by party seeking the delay.

Section 9 :- According to Section 9 once limitation period begun to run no subsequent disability or inability to institute a suit or make an application can stop it.

- There is an exception - If letters of administration to estate of creditor has been granted to his debtor, running of period of limitation for a suit to recover debt shall be suspended while administration continues.

* SEC 9. Right to file must still be valid and when application is made and or suit is filed. If right has been nullified by an event, limitation period doesn't apply.

SECTION 10 :- Section 10 excludes Suit against trustees and their representative from Purview of the act.

- for Sec 10 to apply, Property in question must be under the trustees for Specific Purpose.

SECTION-13 :- If someone applies to Sue or appeal as a pauper but gets rejected, the time spend on application shall be excluded. They can still proceed by paying fees and Court treated it as if fees were paid initially.

Udian chaina In Case of

Section 12

Udayan Choudhary Vs. R.C. Bali Supreme Court ruled that it is not possible to accept the submission that in computing time requisite for obtaining copy of a decree by an application made after preparation of decree, time that elapsed between the pronouncement of judgement and signing of the decree should be excluded.

(Section 12 ke according, kuch tym/days exclude kiye Jayenge for obtaining a decree copy).

Case 4th 5th 1st - decree aane ke bad usko time me nahi obtain krenge to time niklne ke dis application for obtaining, decree nahi ki Jayegi.)

Section-14 provides relief when suit is filed in a Court without Jurisdiction, allowing the exclusion of time spent in such proceeding from the limitation period.

- following conditions must be met :-
 - (i) The plaintiff or applicant must have diligently prosecuted the previous civil proceeding.
 - (ii) The previous suit or application must relate to same matter & issue.
 - (iii) Plaintiff or applicant must have prosecuted in good faith.
 - (iv) Previous Court was unable to entertain suit or application on account of defect on jurisdiction or other like cause.

• in Asset reconstruction Company (India) Ltd vs. Bishal Jaiswal ;

• Supreme Court held that entries in Corporate debtors balance sheet can be considered as an acknowledgement of debt under Section 18 of Limitation act, potentially extending limitation period of debt recovery. However this depends on specifics of each case.

• in Laxmi Path Surana v. Union Bank of India :-

• Supreme Court ruled that limitation period for filing an application under Section 7 of insolvency and bankruptcy Code should be computed from the date of latest acknowledgement of debt of principal borrowings.

Section 15 - Exclusion of time in Certain Cases :-

1. Time during which a Suit or application is stayed by an injunction or order, including the day it was issued and withdrawn is excluded.
2. Time required to obtain Government sanction, Consent notice period in case of Suit is excluded.
3. Time during which defendant is absent from India is excluded.

CASE LAW :- In Ravinder Kaur Grewal V. Manjeet Kaur Question was whether person who claims ownership through adverse possession. Can file a Suit under article 65 of limitation act, for seeking declaration of title and permanent injunction to protect their possession or to restore possession if they were illegally dispossessed.

Supreme Court held person who has acquired title through adverse possession can file a Suit Law Suit for restoration of possession.

Q) When the date was not fixed by the parties for the performance of a specific act, then how the court will compute the limitation period? When does the limitation period start for filing a suit? Decide with the help of a case law.

Q) **Provision :-** Supreme Court clarified in case of **Pachnan Dhara v. Manmatha Nath Maithy** that when no time is fixed for performance, court will have to determine the date on which plaintiff had notice of refusal on Prayal Agarwal

part of defendant to perform the contract.

Conclusion :- So when date is not fixed by parties for performance of specific act, limitation period will start from the date when plaintiff's become aware that performance has been refused.

Note :- In case of **A. Valliammai v. K.P. Murali**, supreme court specified that limitation period will start from the date fixed for performance & if no date when plaintiff becomes aware that performance has been refused.

Q) Manoj died on 3rd August 2016 before a right to institute a suit accrued, leaving behind a minor son of age of 15 years. Decide the time from where the period of limitation shall be calculated under limitation act, 1963.

Q) **Provision :-** As per section 16 of limitation act, 1963, if person dies before right to institute the suit accrues, then limitation period shall be computed from time when there is legal representative of deceased capable of instituting such suit.

As per section 6 of limitation act 1963, if a person who wants to institute a suit or an application is minor/insane/idiot then his limitation period will begin after ceasing of his legal disability.

Facts :- Manoj died on 3rd August 2016 before a right to institute a suit accrued, leaving behind a minor son of age of 15 years.

Conclusion :- In the given case period of limitation shall be computed from the time when minor son attain the age of majority & become capable of filing a suit as required under the law.