

THE INDIAN LIMITATION ACT, 1871.

CONTENTS.

Preamble.

SECTIONS.

PART I.

PRELIMINARY.

1. Short title.
Extent of Act.
Commencement.
2. Repeal of enactments.
3. Interpretation-clause.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

4. Dismissal of suits, &c., instituted, &c., after period of limitation.
5. Proviso where Court is closed when period expires.
Proviso as to appeals and applications for review.
6. Different periods of limitation prescribed by local laws.
Appeals from decrees of High Courts on original side.
7. Legal disability.
8. Disability of one joint-creditor.
9. Continuous running of time.
10. Suits against express trustees and their representatives.
11. Suits on foreign contracts.
12. Foreign limitation-law.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

13. Exclusion of day on which right to sue accrues.
Exclusions in case of appeals and certain applications.
14. Exclusion of time of defendant's absence from British India.
15. Exclusion of time of suing *bonâ fide* in Court without jurisdiction.
16. Exclusion of time during which commencement of suit is stayed by injunction.

17. Exclusion

SECTIONS.

17. Exclusion of time during which judgment-debtor sues to set aside execution sale.
18. Effect of death before right to sue accrues.
19. Effect of fraud
20. Effect of acknowledgment in writing.
21. Effect of paying interest as such.
Effect of part-payment of principal.
22. Effect of substituting or adding new plaintiff or defendant.
Proviso where original plaintiff dies.
Proviso where original defendant dies.
23. Computation where there are successive breaches of contract.
Computation where the breach is continuing.
24. Continuing nuisance.
25. Suit for compensation for act becoming unlawful.
26. Computation of time mentioned in instruments.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

27. Acquisition of right to easements.
28. Exclusion in favour of reversioner of servient tenement.
29. Extinguishment of right to land or hereditary office.

FIRST SCHEDULE, Enactments repealed.

SECOND SCHEDULE, First division (suits).
Second division (appeals).
Third division (applications).

INDEX.

ACT NO. IX OF 1871.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 24th
March 1871).*

An Act for the Limitation of Suits and for other
Purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; And whereas it is also expedient to provide rules for acquiring ownership by possession; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. This Act may be called 'The Indian Limitation Act, 1871:' Short title.

It extends to the whole of British India; but nothing contained in sections two and three or in Parts II and III applies— Extent of Act.

(a) to suits instituted before the first day of April, 1873,

(b) to suits under the Indian Divorce Act,

(c) to suits under Madras Regulation VI of 1831.

This Act shall come into force on the first day of July 1871. Commencement.

2. On and from that day the enactments mentioned in the first schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule. Repeal of enactments.

3. In this Act, unless there be something repugnant in the subject or context— Interpretation-clause.

'minor'

'minor' means a person who has not completed his age of eighteen years :

'plaintiff' includes also any person through whom a plaintiff claims :

'nuisance' means any thing done to the hurt or annoyance of another's immoveable property and not amounting to a trespass :

'bill of exchange' includes also a hundí :

'trustee' does not include a benámídár, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title :

'registered' means duly registered under the law for the registration of documents in force at the time and place of executing the document referred to in the context :

'foreign country' means any country other than British India ;

and nothing shall be deemed to be done in 'good faith' which is not done with due care and attention.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Dismissal of suits, &c., instituted, &c., after period of limitation.

4. Subject to the provisions contained in sections five to twenty-six (inclusive), every suit instituted, appeal presented, and application made after the period of limitation prescribed therefor by the second schedule hereto annexed, shall be dismissed, although limitation has not been set up as a defence.

Explanation.—A suit is instituted in ordinary cases when the plaint is presented to the proper officer: in the case of a pauper, when his application for leave to sue as a pauper is filed; and in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

Illustrations.

(a).—A suit is instituted after the prescribed period of limitation. Limitation is not set up as a defence and judgment is given

given for the plaintiff. The defendant appeals. The appellate court must dismiss the suit.

(b).—An appeal presented after the prescribed period is admitted and registered. The appeal shall, nevertheless, be dismissed.

5. a. If the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, presented or made on the day that the Court re-opens :

Proviso where court is closed when period expires.

b. Any appeal or application for a review of judgment may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not presenting the appeal or making the application within such period.

Proviso as to appeals and applications for review.

6. When, by any law not mentioned in the schedule hereto annexed and now or hereafter to be in force in any part of British India, a period of limitation differing from that prescribed by this Act is specially prescribed for any suits, appeals or applications, nothing herein contained shall affect such law.

Different periods of limitation prescribed by local laws.

And nothing herein contained shall affect the periods of limitation prescribed for appeals from, or applications to review, any decree, order or judgment of a High Court in the exercise of its original jurisdiction.

Appeals from decrees of High Courts on original side.

Legal Disability.

7. If a person entitled to sue be, at the time the right to sue accrued, a minor, or insane, or an idiot,

Legal disability.

he may institute the suit within the same period after the disability has ceased, or (when he is at the time of the accrual affected by two disabilities) after both disabilities have ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the second schedule hereto annexed.

When his disability continues up to his death, his representative in interest may institute the suit within the same period after the death as would otherwise have been allowed from the time prescribed therefor in the third column of the same schedule.

Nothing

Nothing in this section shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby the period within which the suit must be brought.

Illustrations.

(a). The right to sue for the hire of a boat accrues to A during his minority. He comes of age four years after the accrual of the right. He may institute his suit at any time within three years from the date of his coming of age.

(b). A, to whom a right to sue for a legacy has accrued during his minority, attains full age eleven years after such right accrued. A has, under the ordinary law, only one year remaining within which to sue. But under this section an extension of two years will be allowed him, making in all a period of three years from the date of his majority, within which he may bring his suit.

(c). A right to sue for an hereditary office accrues to A, who at the time is insane. Six years after the accrual of the right A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under this section.

(d). A right to sue as landlord to recover possession from a tenant accrues to A who is an idiot. A dies three years after the accrual of the right, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. This section does not extend that time.

Disability of one joint creditor.

8. When one of several joint creditors or claimants is under any such disability, and when a discharge can be given without the concurrence of such person, time will run against them all: but where no such discharge can be given, time will not run as against any of them until they all are free from disability.

Continuous running of time.

9. When once time has begun to run, no subsequent disability or inability to sue stops it:

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

Suits against express trustees and their representatives.

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or
against

against his representatives, for the purpose of following in his or their hands such property, shall be barred by any length of time.

Explanation.—A purchaser in good faith for value from a trustee is not his representative within the meaning of this section.

11. Suits in British India on contracts entered into in a foreign country are subject to the rules prescribed by this Act.

Suits on foreign contracts.

12. No foreign rule of limitations shall be a defence to a suit in British India on a contract entered into in a foreign country, unless the rule has extinguished the contract, and the parties were domiciled in such country during the period prescribed by such rule.

Foreign limitation law.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

13. In computing the period of limitation prescribed for any suit, the day on which the right to sue accrued shall be excluded.

Exclusion of day on which right to sue accrues.

In computing the period of limitation prescribed for an appeal, an application for leave to appeal as a pauper, an application to the High Court for the admission of a special appeal, and an application for a review of 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 against or sought to be reviewed, shall be excluded.

Exclusions in case of appeals and certain applications.

In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

14. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India shall be excluded, unless service of a summons to appear and answer in the suit can, during such absence, be made under the Code of Civil Procedure, section sixty.

Exclusion of time of defendant's absence from British India.

15. In computing the period of limitation prescribed for any suit, the time during which the plaintiff

has

Exclusion of time of suing *bonâ fide* in Court without jurisdiction.

has been prosecuting with due diligence another suit, whether in a Court of first instance or in a Court of appeal, against the same defendant or some person whom he represents, shall be excluded, where the last-mentioned suit is founded upon the same right to sue, and is instituted in good faith in a Court which from defect of jurisdiction, or other cause of a like nature, is unable to try it.

Explanation 1.—In excluding the time during which a former suit was pending, the day on which that suit was instituted, and the day on which the proceedings therein ended, shall both be counted.

Explanation 2.—A plaintiff resisting an appeal presented on the ground of want of jurisdiction, shall be deemed to be prosecuting a suit within the meaning of this section.

Exclusion of time during which commencement of suit is stayed by injunction.

16. In computing the period of limitation prescribed for any suit, the commencement of which has been stayed by injunction, the time of the continuance of the injunction shall be excluded.

Exclusion of time during which judgment-debtor sues to set aside execution sale.

17. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor has been prosecuting a suit to set aside the sale shall be excluded.

Effect of death before right to sue accrues.

18. When a person who would, if he were living, have a right to sue, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative in interest of the deceased capable of suing.

When a person against whom, if he were living, a right to sue would have accrued, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative whom the plaintiff may sue.

Nothing in the former part of this section applies to suits for the possession of land or of an hereditary office.

Effect of fraud.

19. When any person having a right to sue has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded,

and

and where any document necessary to establish such right has been fraudulently concealed,

the time limited for commencing a suit,

(a) against the person guilty of the fraud or accessory thereto, or,

(b) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

20. a. No promise or acknowledgment in respect of a debt or legacy shall take the case out of the operation of this Act, unless such promise or acknowledgment is contained in some writing signed, before the expiration of the prescribed period, by the party to be charged therewith or by his agent generally or specially authorized in this behalf.

Effect of acknowledgment in writing.

b. When such writing exists, a new period of limitation, according to the nature of the original liability, shall be computed from the time when the promise or acknowledgment was signed.

c. When the writing containing the promise or acknowledgment is undated, oral evidence may be given of the time when it was signed. But when it is alleged to have been destroyed or lost, oral evidence of its contents shall not be received.

Explanation 1.—For the purposes of this section, a promise or acknowledgment may be sufficient, though it omits to specify the exact amount of the debt or legacy, or avers that the time for payment or delivery has not yet come, or is accompanied by a refusal to pay or deliver, or is coupled with a claim to a set-off, or is addressed to any person other than the creditor or legatee;

but it must amount to an express undertaking to pay or deliver the debt or legacy or to an unqualified admission of the liability as subsisting.

Explanation

Explanation 2.—Nothing in this section renders one of several partners or executors chargeable by reason only of a written promise or acknowledgment signed by another of them.

Illustrations.

Z, a bond-debtor, himself writes a letter promising to pay the debt to his creditor A. Z affixes his seal, but does not sign the letter :

Z pays part of the debt and promises orally to pay the rest :

Z publishes an advertisement, requesting his creditors to bring in their claims for examination :

In none of these cases is the debt taken out of the operation of this Act.

Effect of payment of interest as such.

21. When interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent generally or specially authorized in this behalf,

Effect of part-payment of principal.

or when part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent generally or specially authorized in this behalf,

a new period of limitation, according to the nature of the original liability, shall be computed from the time when the payment was made :

Provided that, in the case of part-payment of principal, the debt has arisen from a contract in writing and the fact of the payment appears in the handwriting of the person making the same, on the instrument, or in his own books, or in the books of the creditor.

Effect of substituting or adding new plaintiff or defendant.

22. When, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have commenced when he was so made a party :

Proviso where original plaintiff dies.

Provided that, when a plaintiff dies, and the suit is continued by his representatives in interest, it shall, as regards them, be deemed to have commenced when it was instituted by the deceased plaintiff :

Proviso where original defendant dies.

Provided also, that, when a defendant dies, and the suit is continued against his representatives in interest,

it

it shall, as regards them, be deemed to have been commenced when it was instituted against the deceased defendant.

23. In the case of a suit for the breach of a contract, where there are successive breaches, a fresh right to sue arises, and a fresh period of limitation begins to run, upon every fresh breach; and where the breach is a continuing breach, a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the breach continues.

Computation where there are successive breaches of contract.

Computation where the breach is continuing.

Nothing in the former part of this section applies to suits for the breach of contracts for the payment of money by instalments, where, on default made in payment of one instalment, the whole becomes due.

Illustrations.

(a).—A contracts to pay an annuity to B for his life by quarterly instalments. A fails to pay any of the instalments. Here upon every fresh failure, a fresh right to sue arises and a fresh period of limitation begins to run; and this Act may bar the remedy on the earlier breaches without affecting the remedy on the later breaches.

(b).—A, a tenant, covenants with B, his landlord, to keep certain buildings in repair. At every moment of the time during which the buildings continue out of repair and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

24. In the case of a continuing nuisance a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the nuisance continues.

Continuing nuisance.

Illustration.

A diverts B's watercourse. At every moment of the time during which the diversion continues and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

25. In the case of a suit for compensation for an act lawful in itself, which becomes unlawful in case it causes damage, the period of limitation shall be computed from the time when the damage accrues.

Suit for compensation for act becoming unlawful.

Illustration.

A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation runs from the time of the subsidence.

26. All

Computation
of time men-
tioned in in-
struments.

26. All instruments shall, for the purposes of this Act, be deemed to be made with reference to the Gregorian calendar.

Illustrations.

(a).—A Hindú makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiry of four months after date computed according to the Gregorian calendar.

(b).—A Hindú makes a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiry of one year after date computed according to the Gregorian calendar.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

Acquisition
of right to
easements.

27. Where the access and use of light or air to and for any building has been peaceably enjoyed therewith, as an easement, and as of right, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water, or other easement, shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

Explanation.—Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Illustrations

Illustrations.

(a).—A suit is brought in 1871 for obstructing a right of way. The defendant admits the obstruction but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him claiming title thereto as an easement and as of right, without interruption, from 1st January 1850 to 1st January 1870. The plaintiff is entitled to judgment.

(b).—In a like suit also brought in 1871 the plaintiff merely proves that he enjoyed the right in manner aforesaid from 1848 to 1868. The suit shall be dismissed, as no exercise of the right by actual user has been proved to have taken place within two years next before the institution of the suit.

(c).—In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had asked his leave to enjoy the right. The suit shall be dismissed.

28. Provided that, when any land or water upon, over or from which any easement (other than the access and use of light and air) has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof,

Exclusion in favour of reversioner of servient tenement.

the time of the enjoyment of such easement during the continuance of such interest or term, shall be excluded in the computation of the said last mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a deceased Hindú widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

29. At the determination of the period hereby limited to any person for instituting a suit for possession of any land or hereditary office, his right to such land or office shall be extinguished.

Extinguishment of right to land or hereditary office.

FIRST

FIRST SCHEDULE.

(See section 2.)

| Number and year. | Subject or title. | Extent of repeal. |
|---|---|--|
| 21 Jac. I, cap. sixteen. | An Act for limitation of actions and for avoiding of suits in law. | The whole Statute, so far as it applies to British India. |
| 4 Ann. cap. sixteen. | An Act for the amendment of the law and the better advancement of justice. | Sections seventeen, eighteen and nineteen, so far as they apply to British India. |
| 33 Geo. III, cap. fifty-two. | An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay. | So much of section one-hundred-and-sixty-two as relates to the limitation of civil suits in British India. |
| 53 Geo. III, cap. one hundred and fifty-five. | An Act for continuing in the East India Company for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company. | Section one-hundred-and-twenty-four, so far as it applies to British India. |
| 9 Geo. IV, cap. seventy-four. | Administration of Criminal justice | So much of section fifty-one as relates to civil suits. |

FIRST SCHEDULE—continued.

| Number and year. | Subject or title. | Extent of repeal. |
|-------------------------------|---|--|
| 6 & 7 Vic., cap. ninety-four. | Foreign Jurisdiction Act ... | Section seven, so far as it applies to British India. |
| Act No. XIV of 1840 | An Act for rendering a written memorandum necessary to the validity of certain promises and engagements, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 9 Geo. IV, cap. 14. | From and including the words "Whereas by an Act" down to and including the words "Defendants against the Plaintiff." |
| Act No. XI of 1841 ... | Military Courts of Requests ... | The proviso in section nine. |
| Act No. XX of 1847 ... | Copyright Act ... | In section sixteen, the words 'actions, suits, bills.' |
| Act No. XII of 1855 ... | An Act to enable Executors, Administrators or Representatives to sue and be sued for certain wrongs. | In section one, the words "and provided such action shall be brought within one year after the death of such person," and the words "and so as such action shall be commenced within two years after the committing of the wrong." |
| Act No. XIII of 1855 | Compensation for loss occasioned by death caused by actionable wrong. | In section two, the words "and that every such action shall be brought within twelve calendar months after the death of such deceased person." |
| Act No. XXV of 1857. | Forfeiture for mutiny ... | Section nine. |

FIRST SCHEDULE—*continued.*

| Number and year. | Subject or title. | Extent of repeal. |
|-----------------------|---------------------------------|---|
| Act No. VIII of 1859. | The Code of Civil Procedure ... | <p>In section one-hundred and-nineteen, the words "within a reasonable time not exceeding thirty days after any process for enforcing the judgment has been executed," and the words "within thirty days from the date of the judgment." In section two-hundred-and-thirty, the words "within one month from the date of such dispossession." The last twelve words of section two-hundred-and forty-six. In section two-hundred-and-fifty-six, the words "At any time within thirty days from the date of the sale." In section two-hundred-and-sixty-nine, the words "if made within one month from the date of such existence or obstruction or of such dispossession, as the case may be." In section three-hundred-and-twenty-four, the second sentence. In section three-hundred-and-twenty-seven, the words "within six months from the date of the award." In section three-hundred-and-thirty-three, from and including the words "within the period" down to the end of</p> |

FIRST SCHEDULE—*continued.*

| Number and year. | Subject or title. | Extent of repeal. |
|------------------------|--|---|
| | | the section. In section three-hundred-and-forty-seven, the words "within thirty days from the date of the dismissal." In section three-hundred-and-seventy-three, the words "within the period prescribed for the presentation of a memorandum of appeal." So much of section three-hundred-and-seventy-seven as has not been repealed. |
| Act No. XIV of 1859. | An Act to provide for the limitation of suits. | The whole Act, except so much of section fifteen as does not relate to the limitation of suits. |
| Act No. IX of 1860 | Workmen and employers ... | So much of section two as relates to the limitation of suits. |
| Act No. XXXI of 1860. | Arms Act ... | So much of section forty-nine as relates to the limitation of suits. |
| Act No. V of 1861 | Mofussil Police ... | So much of section forty-two as relates to the limitation of suits. |
| Act No. XXIII of 1861. | Civil Procedure Code Amendment | Section twelve. |
| Act No. XXV of 1861. | Criminal Procedure Code ... | Section four-hundred-and-fifteen. |
| Act No. I of 1863 | Civil Courts in British Burma ... | Section twenty-four. |
| Act No. VI of 1863 | Consolidated Customs Act ... | So much of section two-hundred-and-fourteen as relates to the limitation of suits. |

FIRST SCHEDULE—concluded.

| Number and year. | Subject or title. | Extent of repeal. |
|------------------------------|---|--|
| ✓ Act No. XXIII of 1863. | Claims to Waste-lands ... | So much of section five as relates to the limitation of suits. |
| Act No. VII of 1865. | Government Forests Act .. | So much of section sixteen as relates to the limitation of suits. |
| Act No. XX of 1866 | Registration Act ... | Section fifty-one. |
| Act No. XIV of 1868. | Contagious Diseases Act ... | So much of section twenty-five as relates to the limitation of suits. |
| Act No. XX of 1869 | Volunteers ... | So much of section twenty-six as relates to the limitation of suits. |
| Act No. X of 1870 | Land Acquisition ... | So much of section fifty-eight as relates to the limitation of suits. |
| Act No. IV of 1871 | Coroners ... | In section forty-two, the words 'after the expiration of three months from such fact or failure, nor.' |
| Bombay Regulation V of 1827. | A Regulation defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and containing Rules of Judication respecting written Acknowledgments of Debts executed without receipt of a full consideration; also regarding Interest, the tendering payment of Debts, and the disposal of Property mortgaged or pledged. | Chapter one. |

SECOND SCHEDULE.

(See section 4).

FIRST DIVISION: SUITS.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|---|---|
| 1.—To contest an award of the Board of Revenue under Act No. XXIII of 1863 (<i>to provide for the adjudication of claims to waste-lands</i>). | <i>Part I.—Thirty days.</i> Thirty days ... | When notice of the award is delivered to the plaintiff. |
| 2.—For doing, or for omitting to do, an act in pursuance of any enactment in force for the time being in British India. | <i>Part II.—Ninety days.</i> Ninety days ... | When the act or omission took place. |
| 3.—Under Act No. XIV of 1859 (<i>to provide for the limitation of suits</i>), section fifteen, to recover possession of immoveable property. | <i>Part III.—Six months.</i> Six months. | When the dispossession occurs. |
| 4.—Under Act No. IX of 1860 (<i>to provide for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers</i>), section one. | Ditto ... | When the wages, hire, or price of work claimed accrued due. |
| 5.—Under Act No. V of 1866 (<i>to provide a summary procedure on bills of exchange, and to amend, in certain respects, the commercial law of British India</i>). | Ditto ... | When the bill or promissory note becomes due and payable. |
| 6.—Upon a Statute, Act, Regulation, or Bye-law, for a penalty or forfeiture. | <i>Part IV.—One year.</i> One year ... | When the penalty or forfeiture is incurred. |
| 7.—For the wages of a domestic servant, artisan or labourer not provided for by this schedule, No. 4. | Ditto ... | When the wages sued for accrue due. |

SECOND SCHEDULE—continued.

FIRST DIVISION: SUITS—continued.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|----------------------------------|--|
| | <i>Part IV.—One year,—contd.</i> | |
| 8.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging house. | One year ... | When the food or drink is delivered. |
| 9.—For the price of lodging ... | Ditto ... | When the lodging ends. |
| 10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract. | Ditto ... | When the purchaser takes actual possession under the sale sought to be impeached. |
| 11.—For damages for infringing copyright or any other exclusive privilege. | Ditto ... | The date of the infringement. |
| 12.—By executors, administrators, or representatives under Act No. XII of 1855 (<i>to enable the executors, administrators or representatives to sue and be sued for certain wrongs</i>). | Ditto ... | The date of the death of the person wronged. |
| 13.—By executors, administrators or representatives under Act No. XIII of 1855 (<i>to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong</i>). | Ditto ... | The date of the death of the person killed. |
| 14.—To set aside any of the following sales:— (a) sale in execution of a decree of a Civil Court; (b) sale in pursuance of a decree or order of a Collector or other officer of revenue; (c) sale for arrears of Government revenue or for any demand recoverable as such arrears; (d) sale of a patní táluq sold for current arrears of rent. | Ditto ... | When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought. |

SECOND SCHEDULE—continued.

FIRST DIVISION: SUITS—continued.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|---|---|--|
| <p><i>Explanation.</i>—In this clause 'patni' includes any intermediate tenure saleable for current arrears of rent.</p> | <p><i>Part IV.—One year,—contd.</i></p> | |
| <p>15.—To alter or set aside a decision or order of a civil court in any proceeding other than a suit.</p> | <p>One year ...</p> | <p>The date of the final decision or order in the case by a court competent to determine it finally.</p> |
| <p>16.—To set aside any act of an officer of Government in his official capacity, not herein otherwise expressly provided for.</p> | <p>Ditto ...</p> | <p>The date of the act.</p> |
| <p>17.—Against Government to set aside any attachment, lease or transfer of immoveable property by the revenue authorities for arrears of Government revenue.</p> | <p>Ditto ...</p> | <p>When the attachment, lease or transfer is made.</p> |
| <p>18.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.</p> | <p>Ditto ...</p> | <p>When the payment is made.</p> |
| <p>19.—Against Government for compensation for land acquired for public purposes.</p> | <p>Ditto ...</p> | <p>The date of determining the amount of the compensation.</p> |
| <p>20.—Like suit for compensation when the acquisition is not completed.</p> | <p>Ditto ...</p> | <p>The date of the refusal to complete.</p> |
| <p>21.—For false imprisonment ...</p> | <p>Ditto ...</p> | <p>When the imprisonment ends.</p> |

SECOND SCHEDULE—continued.

FIRST DIVISION.: SUITS—continued.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|---|--------------------------------------|--|
| | <i>Part IV.—One year,—concluded.</i> | |
| 22.—For any other injury to the person. | One year ... | When the injury is committed. |
| 23.—For a malicious prosecution. | Ditto ... | When the plaintiff is acquitted. |
| 24.—For libel. | Ditto ... | When the libel is published. |
| 25.—For slander. | Ditto ... | When the words are spoken. |
| 26.—For taking or damaging moveable property. | Ditto ... | When the taking or damage occurs. |
| 27.—For loss of service occasioned by the seduction of the plaintiff's servant or daughter. | Ditto ... | When the loss occurs. |
| 28.—For inducing a person to break a contract with the plaintiff. | Ditto ... | The date of the breach. |
| 29.—For an illegal, irregular or excessive distress. | Ditto ... | The date of the distress. |
| 30.—For wrongful seizure of moveable property under legal process. | Ditto ... | The date of the seizure. |
| | <i>Part V.—Two years.</i> | |
| 31.—For obstructing a way or a watercourse. | Two years ... | The date of the obstruction. |
| 32.—For diverting a watercourse. | Ditto ... | The date of the diversion. |
| 33.—For wrongfully detaining title deeds. | Ditto ... | When the title to the property comprised in the deeds is adjudged to the plaintiff, or the detainer's possession otherwise becomes unlawful. |

SECOND SCHEDULE—*continued.*FIRST DIVISION : SUITS—*continued.*

| Description of suit. | Period of limitation. | Time when period begins to run. |
|---|----------------------------------|--|
| | <i>Part V.—Two years, contd.</i> | |
| 34.—For wrongfully detaining any other moveable property. | Two years ... | When the detainer's possession becomes unlawful. |
| 35.—For specific recovery of moveable property in cases not provided for by this schedule, numbers 48 and 49. | Ditto ... | When the property is demanded and refused. |
| 36.—Against a carrier for losing or injuring goods. | Ditto ... | When the loss or injury occurs. |
| 37.—Against a carrier for delay in delivering goods. | Ditto ... | When the goods ought to be delivered. |
| 38.—Against one who, having a right to use property for specific purposes, perverts it to other purposes. | Ditto ... | The time of the perversion. |
| 39.—Under Act No. XII of 1855 (<i>to enable executors, administrators or representatives to sue and be sued for certain wrongs</i>) against an executor, administrator or other representative. | Ditto ... | When the wrong complained of is done. |
| 40.—For compensation for any wrong malfeasance, nonfeasance or misfeasance independent of contract and not herein specially provided for. | Ditto ... | When the wrong is done or the default happens. |
| 41.—For the recovery of a wife ... | Ditto ... | When possession is demanded and refused. |
| 42.—For the restitution of conjugal rights. | Ditto ... | When restitution is demanded and refused. |
| | <i>Part VI.—Three years.</i> | |
| 43.—For trespass upon immovable property. | Three years ... | When the trespass takes place. |

SECOND SCHEDULE—continued.

FIRST DIVISION: SUITS—continued.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|--|---|
| 44.—To contest an award under any of the following Regulations of the Bengal Code. VII of 1822, IX of 1825, and IX of 1833. | <i>Part VI.—Three years,—contd.</i> Three years ... | The date of the final award or order in the case. |
| 45.—By a party bound by such award to recover any property comprised therein. | Ditto ... | Ditto. |
| 46.—By any person bound by an order respecting the possession of property made under Act No. XVI of 1838, section one, clause two, or Act No. XXV of 1861, chapter twenty-two, or Bombay Act No. V of 1864, or by any one claiming under such person, to recover the property comprised in such order. | Ditto ... | The date of the final order in the case. |
| 47.—For lost moveable property not dishonestly misappropriated or converted. | Ditto ... | When the property is demanded and refused. |
| 48.—For moveable property acquired by theft, extortion, cheating, or dishonest misappropriation or conversion. | Ditto ... | Ditto. |
| 49.—For the hire of animals, vehicles, boats or household furniture. | Ditto ... | When the hire becomes payable. |
| 50.—For the balance of money advanced in payment of goods to be delivered. | Ditto ... | When the goods ought to be delivered. |
| 51.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon. | Ditto ... | The date of the delivery of the goods. |

SECOND SCHEDULE—*continued.*FIRST DIVISION: SUITS—*continued.*

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|-----------------------|---|
| <i>Part VI.—Three years,—contd.</i> | | |
| 52.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit. | Three years ... | The expiry of the period of credit. |
| 53.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given. | Ditto ... | When the period of the proposed bill elapses. |
| 54.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon. | Ditto ... | The date of the sale. |
| 55.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment. | Ditto ... | When the work is done. |
| 56.—For money payable for money lent. | Ditto ... | When the loan is made. |
| 57.—Like suit when the lender has given a cheque for the money. | Ditto ... | When the cheque is paid. |
| 58.—For money lent under an agreement that it shall be payable on demand. | Ditto ... | When the demand is made. |
| 59.—For money payable to the plaintiff for money paid for the defendant. | Ditto ... | When the money is paid. |
| 60.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use. | Ditto ... | When the money is received. |
| 61.—For money payable for interest upon money due from the defendant to the plaintiff. | Ditto ... | When the interest becomes due. |

SECOND SCHEDULE—continued.

FIRST DIVISION: SUITS—continued.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|---|-----------------------|---|
| <i>Part VI.—Three years—contd.</i> | | |
| 62.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them. | Three years ... | When the accounts are stated, unless where the debt is made payable at a future time and then when that time arrives. |
| 63.—Upon a promise to do anything at a specified time, or upon the happening of a specified contingency. | Ditto ... | At the time specified or upon the contingency happening. |
| 64.—Against a factor for an account. | Ditto ... | When the account is demanded, or where no such demand is made, when the agency terminates. |
| 65.—On a single bond where a day is specified for payment. | Ditto ... | The day so specified. |
| 66.—On a single bond where no such day is specified. | Ditto ... | The date of executing the bond. |
| 67.—On a bond subject to a condition. | Ditto ... | When the condition is broken. |
| 68.—On a bill of exchange or promissory note payable at a fixed time after date. | Ditto ... | When the bill or note falls due. |
| 69.—On a bill of exchange payable at or after sight. | Ditto ... | When the bill is presented. |
| 70.—On a bill of exchange accepted payable at a particular place. | Ditto ... | When the bill is presented at that place. |
| 71.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand. | Ditto ... | When the fixed time expires. |

SECOND SCHEDULE—*continued.*FIRST DIVISION : SUITS—*continued.*

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|------------------------------------|--|
| | <i>Part VI.—Three years—contd.</i> | |
| 72.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue. | Three years ... | When the demand is made. |
| 73.—By the endorsee of a bill or promissory note against the endorser. | Ditto ... | The date of the endorsement. |
| 74.—On a promissory note or bond payable by instalments. | Ditto ... | The expiration of the first term of payment, as to the part then payable; and, for the other parts, the expiration of the respective terms of payment. |
| 75.—On a promissory note or bond payable by instalments, which provides that if default be made in payment of one instalment the whole shall be due. | Ditto ... | The time of the first default, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made. |
| 76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen. | Ditto ... | The time of the delivery to the payee. |
| 77.—On a dishonoured foreign bill where protest has been made and notice given. | Ditto ... | When the notice is given. |
| 78.—By the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance. | Ditto ... | The date of the refusal to accept. |
| 79.—Like suit when the bill has been dishonoured by non-acceptance and afterwards by non-payment. | Ditto ... | Ditto. |

SECOND SCHEDULE—*continued.*FIRST DIVISION: SUITS—*continued.*

| Description of suit. | Period of limitation. | Time when period begins to run. |
|---|-----------------------|---|
| <i>Part VI.—Three years—contd.</i> | | |
| 80.—Suit on a bill of exchange or promissory note not herein expressly provided for. | Three years ... | When the bill or note becomes payable. |
| 81.—By the acceptor of an accommodation bill against the drawer. | Ditto ... | When the acceptor pays the amount. |
| 82.—By a surety against the principal debtor. | Ditto ... | When the surety pays the creditor. |
| 83.—By a surety against a co-surety. | Ditto ... | When the plaintiff pays anything in excess of his own share. |
| 84.—Upon any other contract to indemnify. | Ditto ... | When the plaintiff is actually damnified. |
| 85.—By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid. | Ditto ... | The termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance. |
| 86.—For compensation for damage caused by an injunction wrongfully obtained. | Ditto ... | When the injunction ceases. |
| 87.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties. | Ditto ... | The time of the last item admitted or proved in the account. |
| 88.—On a policy of insurance when the sum assured is payable after proof of the death or loss has been given to or received by the insurers. | Ditto ... | When proof of the death or loss is given or received, to or by the insurers, whether by or from the plaintiff, or any other person. |

SECOND SCHEDULE—*continued.*FIRST DIVISION : SUITS—*continued.*

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|-----------------------|---|
| <i>Part VI.—Three years—contd.</i> | | |
| 89.—By the assured to recover premia paid under a policy voidable at the election of the insurers. | Three years ... | When the insurers elect to avoid the policy. |
| 90.—By a principal against his agent for moveable property received by the latter and not accounted for. | Ditto ... | When the account is demanded and refused. |
| 91.—Other suits by principals against agents for neglect or misconduct. | Ditto ... | When the neglect or misconduct occurs. |
| 92.—To cancel or set aside an instrument not otherwise provided for. | Ditto ... | When the instrument is executed. |
| 93.—To declare the forgery of an instrument issued, or registered, or attempted to be enforced. | Ditto ... | The date of the issue, registration, or attempt. |
| 94.—For property which the plaintiff has conveyed while insane. | Ditto ... | When the plaintiff is restored to sanity and has knowledge of the conveyance. |
| 95.—For relief on the ground of fraud. | Ditto ... | When the fraud becomes known to the party wronged. |
| 96.—To set aside a decree obtained by fraud. | Ditto ... | Ditto. |
| 97.—For relief on the ground of mistake in fact. | Ditto ... | When the mistake becomes known to the plaintiff. |
| 98.—For money paid upon an existing consideration which afterwards fails. | Ditto ... | The date of the failure. |

SECOND SCHEDULE—continued.

FIRST DIVISION : SUITS—continued.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|---|-----------------------|--|
| <i>Part VI.—Three years—contd.</i> | | |
| 99.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust. | Three years ... | The date of the trustee's death, or, if the loss has not then been occasioned, the date of the loss. |
| 100.—For contribution by a party who has paid the whole amount due under a joint decree, or by a sharer in a joint estate who has paid the whole amount of revenue due from himself and his co-sharers. | Ditto ... | The date of the plaintiff's advance in excess of his own share. |
| 101.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution. | Ditto ... | When the right to contribution accrues. |
| 102.—For a seaman's wages ... | Ditto ... | The end of the voyage during which the wages are earned. |
| 103.—By a Muhammadan for exigible dower (<i>mu'ajjal</i>). | Ditto ... | When the dower is demanded and refused, or (where during the continuance of the marriage no such demand has been made) when the marriage is dissolved by death or divorce. |
| 104.—By a Muhammadan for deferred dower (<i>mu'wajjal</i>). | Ditto ... | When the marriage is dissolved by death or divorce. |
| 105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee. | Ditto ... | The date of the receipt. |

SECOND SCHEDULE—continued.

FIRST DIVISION: SUITS—continued.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|------------------------------------|---|
| | <i>Part VI.—Three years—contd.</i> | |
| 106.—For an account and a share of the profits of a dissolved partnership. | Three years ... | The date of the dissolution. |
| 107.—By a Hindú manager of a joint estate for contribution in respect of a payment made by him on account of the estate. | Ditto ... | The date of the payment. |
| 108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease. | Ditto ... | When the trees are cut down. |
| 109.—For the profits of immoveable property belonging to the plaintiff wrongfully received by the defendant. | Ditto ... | When the profits are received, or, where the plaintiff has been dispossessed by a decree afterwards set aside on appeal, the date of the decree of the appellate Court. |
| 110.—For arrears of rent ... | Ditto ... | When the arrears become due. |
| 111.—By a vendor of immoveable property to enforce his lien for unpaid purchase-money. | Ditto ... | The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance. |
| 112.—For a call by a company registered under any Statute or Act. | Ditto ... | When the call is made. |
| 113.—For specific performance of a contract. | Ditto ... | When the plaintiff has notice that his right is denied. |
| 114.—For the rescission of a contract. | Ditto ... | When the contract is executed by the plaintiff. |

SECOND SCHEDULE—*continued.*FIRST DIVISION: SUITS—*continued.*

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|---|--|
| 115.—For the breach of any contract, express or implied, not in writing registered, and not herein specially provided for. | <i>Part VI.—Three years—concl.</i> Three years ... | When the contract is broken, or (where there are successive breaches) when the breach sued for occurs, or (where the breach is continuing) when it ceases. |
| 116.—Upon a judgment obtained in a foreign country. | <i>Part VII.—Six years.</i> Six years ... | The date of the judgment. |
| 117.—On a promise or contract in writing registered. | Ditto ... | When the period of limitation would begin to run against a suit brought on a similar promise or contract not registered. |
| 118.—Suit for which no period of limitation is provided elsewhere in this schedule. | Ditto ... | When the right to sue accrues. |
| 119.—By an auction-purchaser or any one claiming under him to avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, the estate being, by virtue of such sale, freed from incumbrances and under-tenures. | <i>Part VIII.—Twelve years.</i> Twelve years... | When the sale becomes final and conclusive. |
| 120.—To avoid incumbrances of under-tenures in a <i>patni taluq</i> or other saleable tenure sold for arrears of rent, the <i>talug</i> or tenure being, by virtue of such sale, freed from incumbrances and under-tenures. | Ditto ... | When the sale becomes final and conclusive. |

SECOND SCHEDULE—continued.

FIRST DIVISION: SUITS—continued.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|---|---|
| | <i>Part VIII.— Twelve years— continued.</i> | |
| 121.—Upon a judgment obtained in British India, or a recognizance. | Twelve years ... | The date of the judgment or recognizance. |
| 122.—For a legacy or for a distributive share of the moveable property of a testator or intestate. | Ditto ... | When the legacy or share becomes payable or deliverable. |
| 123.—For possession of an hereditary office. | Ditto ... | When the defendant, or some person through whom he claims, took possession of the office adversely to the plaintiff. |
| | | <i>Explanation.</i> —An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed. |
| 124.—Suit during the life of a Hindú widow by a Hindú entitled to the possession of land on her death to have an alienation made by the widow declared to be void except for her life. | Ditto .. | The date of the alienation. |
| 125.—By a Hindú governed by the law of the Mitákshará to set aside his father's alienation of ancestral property. | Ditto ... | The date of the alienation. |
| 126.—Like suit by a Hindú governed by the law of the Dáyabhága. | Ditto .. | When the father dies. |

SECOND SCHEDULE—continued.

FIRST DIVISION: SUITS—continued.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|-----------------------|--|
| <i>Part VIII.— Twelve years— continued.</i> | | |
| 127.—By a Hindú excluded from joint-family property to enforce a right to share therein. | Twelve years... | When the plaintiff claims and is refused his share. |
| 128.—By a Hindú for maintenance... | Ditto ... | When the maintenance sued for is claimed and refused. |
| 129.—To establish or set aside an adoption. | Ditto ... | The date of the adoption, or (at the option of the plaintiff) the date of the death of the adoptive father. |
| 130.—For the resumption or assessment of rent-free land. | Ditto ... | When the right to resume or assess the land first accrued: Provided that no such suit shall be maintained where the land forms part of a permanently-settled estate, and has been held rent-free from the time of the Permanent Settlement. |
| 131.—To establish a periodically recurring right. | Ditto ... | When the plaintiff is first refused the enjoyment of the right. |
| 132.—For money charged upon immoveable property. | Ditto ... | When the money sued for becomes due. |
| <i>Explanation.</i> —The allowance and fees called <i>málikána</i> and <i>haqqs</i> shall, for the purpose of this clause, be deemed to be money charged upon immoveable property. | | |

SECOND SCHEDULE—continued.

FIRST DIVISION: SUITS—continued.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|-----------------------|--|
| <i>Part VIII.— Twelve years— continued.</i> | | |
| 133.—To recover moveable property conveyed in trust, deposited or pawned and afterwards bought from the trustee, depositary or pawnee, in good faith and for value. | Twelve years ... | The date of the purchase. |
| 134.—To recover possession of immoveable property conveyed in trust or mortgaged and afterwards purchased from the trustee or mortgagee in good faith and for value. | Ditto ... | The date of the purchase. |
| 135.—Suit instituted in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged. | Ditto ... | When the mortgagee is first entitled to possession. |
| 136.—By a purchaser at a private sale for possession of immoveable property sold, when the vendor was out of possession at the date of the sale. | Ditto ... | When the vendor is first entitled to possession. |
| 137.—Like suit by a purchaser at a sale in execution of a decree, when the execution-debtor was out of possession at the date of the sale. | Ditto ... | When the execution-debtor is first entitled to possession. |
| 138.—By a purchaser of land at a sale in execution of a decree, for possession of the purchased land, when he never has had possession. | Ditto ... | The date of the sale. |
| 139.—Like suit when the purchaser had possession, but was afterwards dispossessed. | Ditto ... | The date of the dispossession. |
| 140.—By a landlord to recover possession from a tenant. | Ditto ... | When the tenancy is determined. |

SECOND SCHEDULE—*continued.*FIRST DIVISION : SUITS—*continued.*

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|-----------------------|--|
| <i>Part VIII.— Twelve years— continued.</i> | | |
| 141.—By a remainderman, a reversioner (other than a landlord), or a devisee, for possession of immoveable property. | Twelve years... | When his estate falls into possession. |
| 142.—Like suit by a Hindú entitled to the possession of immoveable property on the death of a Hindú widow. | Ditto ... | When the widow dies. |
| 143.—For possession of immoveable property, when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession. | Ditto ... | The date of the dispossession or discontinuance. |
| 144.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition. | Ditto ... | When the forfeiture was incurred or the condition broken. |
| 145.—For possession of immoveable property or any interest therein not hereby otherwise specially provided for. | Ditto ... | When the possession of the defendant, or of some person through whom he claims, became adverse to the plaintiff. |
| 146.—For a declaration of right to an easement. | Ditto ... | When the easement ceased to be enjoyed by the plaintiff, or the persons on whose behalf he sues. |
| <i>Part IX.—Thirty years.</i> | | |
| 147.—Against a depositary or pawnee to recover moveable property deposited or pawned. | Thirty years... | The date of the deposit or pawn, unless where an acknowledgment of |

SECOND SCHEDULE—*continued.*FIRST DIVISION: SUITS—*continued.*

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|---|--|
| <p>148.—Against a mortgagee to recover possession of immovable property mortgaged.</p> | <p><i>Part X.—Sixty years.</i></p> <p>Sixty years ...</p> | <p>the title of the depositor or pawnor, or of his right of redemption, has before the expiration of the prescribed period been made in writing, signed by the deposi- tary, or pawnee, or some person claiming under him, and, in such case, the date of the acknowledgment.</p> <p>The date of the mort- gage, unless where an acknowledgment of the title of the mortgagor or of his right of re- demption has, before the expiration of the prescribed period, been made in writing, signed by the mortgagee or some person claiming under him, and, in such case, the date of the acknowledgment :</p> <p>Provided that all claims to redeem, arising un- der instruments of mortgage of immove- able property situate in British Burma, which have been executed be- fore the first day of May 1863, shall be governed by the rules of limitation in force in that Province im- mediately before the same day.</p> |

SECOND SCHEDULE—continued.

FIRST DIVISION : SUITS—continued.

| Description of suit. | Period of limitation. | Time when period begins to run. |
|--|------------------------------------|---|
| | <i>Part X.—Sixty years,—contd.</i> | |
| 149.—Before a Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction by a mortgagee to recover from the mortgagor the possession of immoveable property mortgaged. | Sixty years ... | When any part of the principal or interest was last paid on account of the mortgage debt. |
| 150.—Any suit in the name of the Secretary of State for India in Council. | Ditto ... | When the right to sue accrued. |

SECOND DIVISION : APPEALS.

| Description of appeals. | Period of limitation. | Time when period begins to run. |
|---|-----------------------|---|
| 151.—Under the Code of Civil Procedure to the Court of a District Judge. | Thirty days ... | The date of the decree appealed against. |
| 152.—Under the Code of Criminal Procedure to any Court other than the High Court. | Ditto ... | The date of the sentence or order appealed against. |
| 153.—Under the same Code to the High Court. | Sixty days ... | Ditto. |
| 154.—Under the Code of Civil Procedure to the High Court. | Ninety days ... | The date of the decree appealed against. |

THIRD DIVISION : APPLICATIONS.

| Description of application. | Period of limitation. | Time when period begins to run. |
|---|-----------------------|--|
| 155.—Under the Code of Civil Procedure to set aside an award. | Ten days ... | When the award is submitted to the Court, and notice of the submission has been given to the persons and in manner prescribed by the High Court. |

SECOND SCHEDULE—continued.

THIRD DIVISION: APPLICATIONS—continued.

| Description of application. | Period of limitation. | Time when period begins to run. |
|--|-----------------------|---|
| 156.—By a plaintiff for an order to set aside a judgment by default. | Thirty days ... | The date of the judgment. |
| 157.—By a defendant for an order to set aside a judgment <i>ex parte</i> . | Ditto ... | The date of executing any process for enforcing the judgment. |
| 158.—Under the Code of Civil Procedure, by a person dispossessed of immoveable property, and disputing the right of the decreeholder to be put into possession. | Ditto ... | The date of the dispossession. |
| 159.—To set aside a sale in execution of a decree, on the ground of irregularity in publishing or conducting the sale. | Ditto ... | The date of the sale. |
| 160.—Complaining of resistance or obstruction to delivery of possession of immoveable property sold in execution of a decree, or of dispossession in the delivery of possession to the purchaser of such property. | Ditto ... | The date of the resistance, obstruction or dispossession. |
| 161.—For re-admission of an appeal dismissed for want of prosecution. | Ditto ... | The date of the dismissal. |
| 162.—For leave to appeal as a pauper | Ninety days ... | The date of the decree appealed against. |
| 163.—To a High Court for the admission of a special appeal. | Ditto ... | Ditto. |
| 164.—For a review of judgment ... | Ditto ... | The date of the decree. |
| 165.—Under the Code of Civil Procedure, section three hundred and twenty-seven, that an award be filed in Court. | Six months ... | The date of the award. |

SECOND SCHEDULE—continued.

THIRD DIVISION: APPLICATIONS—continued.

| Description of application. | Period of limitation. | Time when period begins to run. |
|---|-----------------------|---|
| 166.—For the execution of a decision (other than a decree or order passed in a regular suit or an appeal) of a Civil Court or of a Revenue Court. | One year ... | The date of the decision or of taking some proceeding to enforce or keep in force the decision. |
| 167.—For the execution of a decree or order of any Civil Court not provided for by No. 169. | Three years ... | <p>The date of the decree or order,</p> <p>or (where there has been an appeal) the date of the final decree or order of the Appellate Court,</p> <p>or (where there has been a review of judgment) the date of the decision passed on the review,</p> <p>or (where the application next hereinafter mentioned has been made) the date of applying to the Court to enforce, or keep in force, the decree or order,</p> <p>or (where the notice next hereinafter made has been issued) the date of issuing a notice under the Code of Civil Procedure, section two hundred and sixteen,</p> <p>or (where the application is to enforce payment of an instalment which the decree directs to be paid at a specified date) the date so specified.</p> |

SECOND SCHEDULE—*continued.*
THIRD DIVISION : APPLICATIONS,—*continued.*

| Description of application. | Period of limitation. | Time when period begins to run. |
|--|-----------------------|---|
| 168.—For the execution of any such decree or order of which a certified copy has been registered under the Indian Registration Act. | Six years ... | The date of the decree or order, or (where there has been an appeal) the date of the final decree or order of the Appellate Court, or (where there has been a review of judgment) the date of the decision passed on the review. |
| 169.—To enforce a judgment, decree or order of any Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction. | Twelve years:.. | <p>When a present right to enforce the judgment, decree or order accrued to some person capable of releasing the right :</p> <p>Provided that when the judgment, decree or order has been revived, or some part of the principal money secured thereby, or some interest on such money has been paid, or some acknowledgment of the right thereto has been given in writing, signed by the person liable to pay such principal or interest or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment, or the latest of such revivors, payments or acknowledgments, as the case may be.</p> |

I N D E X.

Nothing hereinafter contained shall be deemed to have the force of law.

NOTE.—The numbers to which 'No.' or 'Nos.' is prefixed refer to the articles in the second schedule.

- Absence of defendant from British India, sec. 14.
 Accommodation-acceptor, suit by, No. 81.
 Account, suit against a factor for an, No. 64.
 See Partnership.
 Account current, suit for balance due on mutual and open, No. 87.
 Account stated, suit for money found due on, No. 62.
 Acknowledgment in writing, effect of, sec. 20.
 _____ by one of several persons chargeable, sec. 20,
 expl. (2).
 _____ of title of depositor or pawnor, No. 147.
 _____ of title of mortgagor, No. 148.
 _____ of right to money secured by judgment, No. 169.
 Act in pursuance of enactment, suit for doing or omitting to do, No. 2.
 Act XVI of 1838, No. 46.
 Act XII of 1855, suit under, No. 12, No. 39.
 Act XIII of 1855, suit under, No. 13.
 Act VIII of 1859,—*see Civil Procedure Code.*
 Act XIV of 1859, sec. 15, suit under, No. 3.
 Act IX of 1860, sec. 1, suit under, No. 4.
 Act XXV of 1861, cap. 22, No. 46.
 Act XXIII of 1863, suit to contest award under, No. 1.
 Act V of 1866, suit under, No. 5.
 Act repealed, sec. 2 and sched. 1.
 Addition of defendant, sec. 22.
 Administrator, to estate of his creditor, sec. 9.
 _____ suit by, for wrong to intestate, No. 12.
 _____ suit by, for death caused by actionable wrong, No. 13.
 _____ suit against, for wrong done by intestate, No. 39.
 See Representative.
 Admission, after time, of appeal or application for review, sec. 5, cl. (b).
 _____ of liability, sec. 20, expl.
 _____ of special appeal, application for, No. 163.
 Adoption, suit to establish or set aside an, No. 129.

Adverse

Adverse possession of an hereditary office, No. 123.

_____of immovable property, No. 145.

Advertisement to creditors insufficient to take debt out of operation of Act, sec. 20, ill.

Agent may sign promise or acknowledgment taking debt out of Act, sec. 20.

_____may pay interest or principal taking debt out of Act, sec. 21.

_____of judgment-debtor in Charter Court, acknowledgment by, No. 169.

_____of judgment-creditor in Charter Court, acknowledgment to, *ib.*

See *Factor, Principal.*

Air, prescriptive title to access and use of, sec. 27.

Ancestral property, suit to set aside alienation of, Nos. 125, 126.

Animals, suit for hire of, No. 49.

Appeal presented after time, sec. 4 ; sec. 5, cl. (b).

_____in Non-Regulation Province, sec. 6.

_____from decree of High Court on original side, *ib.*

_____on ground of want of jurisdiction, sec. 15, exp. 2.

_____to Court of District Judge, No. 151.

_____under Criminal Procedure Code to any Court other than High Court, No. 152.

_____to High Court, under Criminal Procedure Code, No. 153.

_____under Civil Procedure Code, No. 154.

See *Application.*

Application presented after time, sec. 4.

_____for review of judgment, sec. 5, cl. (b.), sec. 13.

_____to review decrees, &c., of High Court on original side, sec. 6.

_____to set aside an award, sec. 13 and No. 155.

_____for order to set aside judgment by default, No. 156.

_____for order to set aside judgment *ex parte*, No. 157.

_____under Code of Civil Procedure, sec. 230, No. 158.

_____to set aside an execution sale, No. 159.

_____complaining of resistance, &c., to delivery of possession of land sold in execution, or of dispossession, No. 160.

_____for re-admission of an appeal, No. 161.

_____for leave to appeal as a pauper, sec. 13, No. 162.

_____to High Court for admission of special appeal, sec. 13, No. 163.

_____for review of judgment, sec. 5, cl. b., No. 164.

_____that an award be filed in Court, No. 165.

_____for execution of a decision (not a decree) of a Civil Court, No. 166.

_____for execution of a decree, No. 167.

_____for execution of a registered decree, No. 168.

_____to enforce judgment of Charter Court, No. 169.

Arrears of rent, suit to set aside sale of patní táluq for, No. 14 (d).

_____ *málikáná*, suit for, No. 132.

_____of revenue, suit to set aside sale for, No. 14 (c).

_____suit to set aside attachment, lease, or transfer of land for, No. 17.

_____suit for money paid under protest in satisfaction of claim for, No. 18.

Artisan—see *Wages.*

Assessment

- Assessment of rent-free land, suit for, No. 130.
 Attachment of land for arrears of revenue, suit to set aside, No. 17.
 Attorney, his suit for costs, No. 85.
 Auction purchaser, suit by, to avoid incumbrances on estate sold for revenue arrears, No. 119.
 Averment in acknowledgment that time for payment has not come, sec. 20, exp. 1.
 Award, under Claims to Waste Land Act, suit to contest, No. 1.
 ————application to set aside, No. 155.
 ————application to file in Court an, No. 165.
 ————made under certain Bengal Regulations, suit to contest, No. 44.
 ————suit to recover property comprised therein, No. 45.
 Balance of advance in payment of goods to be delivered, suit for, No. 50.
 ————due on mutual, open and current account, suit for, No. 87.
 Bar, limitation set up as a, sec. 20, exp. 1.
 Benámidár not a 'trustee,' sec. 3.
 Bill of exchange includes a hundi, *ib.*
 ————suit on, under Act V of 1866, No. 5.
 ————suit for price of goods to be paid for by, No. 53.
 ————payable a fixed time after date, No. 68.
 ————payable at or after sight, No. 69.
 ————accepted payable at a particular place, No. 70.
 ————payable at a fixed time after sight or demand, No. 71.
 ————payable on demand, No. 72.
 ————by endorsee of, No. 73.
 ————suit on a dishonoured foreign, No. 77.
 ————dishonoured by non-acceptance, No. 78.
 ————non-acceptance and non-payment, No. 79.
 ————not expressly provided for, 80.
 ————suit by accommodation-acceptor against drawer of, No. 81.
 Board and lodging, suit for, Nos. 8 and 9.
 Boats, suit for hire of, No. 49.
Bona fides—see *Good faith*.
 Bond, suit on a single, Nos. 65, 66.
 ————subject to condition, suit on, No. 67.
 ————payable by instalments, suit on, Nos. 74, 75.
 Breach of contract, suit for, sec. 23, No. 115.
 ————where contract is registered, No. 117.
 ————trust, No. 99.
 British India, defendant's absence from, sec. 14.
 ————suits in, on foreign contracts, sec. 11.
 Bye-law, suit for penalty under, No. 6.
 Calendar, Gregorian, sec. 26.
 Call,—see *Company*.
 Cancellation of instrument, suit for, No. 92.
 Carrier losing or injuring goods, suit against, No. 36.
 ————delaying delivery of goods, suit against, No. 37.
 Charter Court, appeal to, under Criminal Procedure Code, No. 152.
 ————under Civil Procedure Code, No. 154.

- Charter Court, application for execution of decree or order of, Nos. 167, 168.
 -----of other decisions of, No. 166.
 -----to enforce judgment of, in original jurisdiction,
 No. 169.
 -----redemption suit in, No. 148.
 -----foreclosure suit in, No. 149.
 Cheque, suit for money lent by, No. 57.
 Civil Procedure Code, sec. 60, sec. 14.
 -----sec. 119, Nos. 156, 157.
 -----sec. 230, No. 158.
 -----sec. 256, No. 159.
 -----sec. 269, No. 160.
 -----sec. 324, No. 155.
 -----sec. 327, No. 165.
 -----sec. 333, No. 154.
 -----sec. 347, No. 161.
 -----sec. 373, Nos. 162, 163.
 -----repeal of parts of sec. 2, sched. I.
 Claim against a company being wound up by Court, sec. 4, exp.
 -----to a set-off, sec. 20, exp. 1.
 -----under Act IX of 1860, No. 4.
 Claimant, disability of joint, sec. 8.
 -----in good faith and for value through fraudulent person, sec. 19 (*b*).
 Closing of Court, effect of, sec. 5, cl. (*a*).
 Collector, suit to set aside sale by, No. 14 (*b*).
 See *Officer*.
 Commencement of Act, sec. 1.
 -----of suit stayed by injunction, sec. 16.
 Company wound up by Court, when claim against, instituted, sec. 4, exp.
 -----suit for call by registered, No. 112.
 Compensation for lawful act becoming unlawful, suit for, sec. 25.
 -----for land taken for public purposes, suit for, Nos. 19, 20.
 -----for wrong independent of contract, No. 40.
 Conjugal rights, suit for, No. 42.
 Consideration, suit for money paid on failing, No. 98.
 See *Valuable Consideration*.
 Contingency, suit on promise to do anything on happening of specified
 No. 63.
 Continuance of injunction, exclusion of time of, sec. 16.
 Continuing breaches of contract, sec. 23.
 -----nuisance, sec. 24.
 Contract, suit on foreign, sec. 11.
 -----suit for breach of, where there are successive breaches, sec. 23.
 -----where the breach is continuing, *ib*.
 -----suit for inducing a person to break, No. 28.
 -----to indemnify, suit on, Nos. 80—84.
 -----suit for specific performance of, No. 113.
 -----rescission of, No. 114.
 -----revision of,—see *Fraud, Mistake*.
 -----breach of unregistered, No. 115.

Contract,

Contract, in writing registered, suit on, No. 117.

See *Account, Animals, Attorney, Balance, Bill of Exchange, Board and Lodging, Boats, Bond, Consideration, Continuing breaches, Contribution, Costs, Co-surety, Co-trustee, Creditor, Debt, Demand, Depository, Extinction, Factor, Foreign contracts, Furniture, Goods, Growing crops, Hire, Indemnity, Lodging, Money, Mortgagee, Partnership, Pawnee, Policy, Pre-emption, Premia, Price, Principal, Promise, Promissory Note, Rent, Sales, Seaman's wages, Surety, Tavern Bill, Trees, Vakil, Vendor's lien, Wages.*

Contribution when plaintiff pays whole amount due under a joint decree, No. 100.

—————when he pays whole amount of revenue due from himself and his co-sharers, *ib.*

—————claim for, against estate of deceased co-trustee, No. 101.

—————in respect of payment by Hindú manager on account of joint estate, No. 107.

Copy of decree, sentence, order or award, exclusion of time requisite for obtaining, sec. 13.

Copyright, suit for infringing, No. 11.

Costs, suit for, No. 85.

Co-surety, suit against, No. 83.

Co-trustee, suit against, No. 101.

Court,—see *Appeal, Application, Award, Charter-Court, Claim, Closing, Day, Diligence, High Court, Order, Revenue Court, Summary decisions.*

Credit, fixed period of, No. 52.

Creditor, disability of joint, sec. 8.

See *Administrator, Advertisement, Agent.*

Criminal Procedure Code, appeal to High Court under, No. 153.

—————appeal to any other Court under, No. 152.

Crops,—see *Growing Crops.*

Damage, suit for act becoming unlawful on causing, sec. 25.

Damaging moveables, suit for, No. 26.

Date of acknowledgment or promise, sec. 20, cl. (c).

Daughter,—see *Service.*

Day on which closed court re-opens, sec. 5, cl. (a).

————on which right to sue accrues excluded, sec. 13.

————on which judgment complained of was pronounced excluded, *ib.*

————on which former suit in wrong court was instituted, sec. 15, exp. 1.

————on which such suit was ended, *ib.*, exp. 1.

Dáyabhága, suits by Hindú under law of, No. 126.

Death of person under disability, sec. 7.

————of person who, if living, would have a right to sue, sec. 18.

————of person against whom, if living, right to sue would have accrued, sec. 18.

————of original plaintiff, sec. 22.

————of original defendant, *ib.*

————caused by actionable wrong, suit for, No. 13.

Debt, acknowledgment of, or promise to pay, sec. 20.

————payment of interest on, sec. 21.

See *Part payment.*

- Debtor,—see *Agent*.
- Decision in any proceeding not a suit, suit to set aside, No. 15.
- Decree,—see *Application, Charter Court, Fraud, Instalments*.
- Default, application to set aside judgment by, No. 156.
- Defence, limitation need not be set up as a, sec. 4.
- foreign rule of limitation not a, sec. 12,—see *Extinction*.
- Defendant, effect of his absence from British India, sec. 14.
- effect of adding, sec. 22.
- death of original, *ib*.
- adverse possession, Nos. 123, 145.
- Delay in delivering, suit against carrier for, No. 37.
- Demand, suit for money payable on, No. 58.
- suit on bill or note payable at a fixed time after, No. 71.
- payable on, No. 72.
- Depositary, suit against, No. 147.
- suit against *bonâ fide* purchaser from, No. 133.
- Destruction of written acknowledgment, sec. 20 c.
- Detinue, Nos. 33, 34.
- Devisee, his suit for possession of immoveable property, No. 141.
- Diligence, suing in wrong court with due, sec. 15.
- Disability, legal, sec. 7.
- of one joint-creditor or claimant, sec. 8.
- subsequent to time beginning to run, sec. 9.
- Discontinuance of possession, No. 143.
- Dismissal of suits instituted after period, sec. 4.
- of appeals and applications presented and made after period, *ib*.
- but see sec. 5, cl. (b).
- Dispossession of purchaser at execution sale, No. 139.
- of plaintiff, No. 143.
- Distress, suit for illegal, irregular, or excessive, No. 29.
- District Judge,—see *Appeal*.
- Diverting watercourse, suit for, sec. 24, ill. No. 32.
- Divorce Act, this Act does not apply to suits under, sec. 1, cl. (b).
- Document, effect of fraudulently concealing, sec. 19.
- Domestic servant,—see *Wages*.
- Dower, suit by Muhammadan for exigible, No. 103.
- deferred, No. 104.
- Drawer,—see *Bill of Exchange*.
- Drink supplied by hotel-keeper, suit for, No. 8.
- Easement, acquisition of right to, secs. 27, 28.
- declaration of right to, No. 146.
- See *Air, Light, Resistance, Watercourse, Way*.
- Enactments, suits for doing or omitting acts in pursuance of, No. 2.
- Endorsee,—see *Promissory note*.
- Enforcement of forged instrument, No. 93.
- Evidence,—see *Oral evidence, Presumption*.
- Exclusion of day on which right to sue accrued, sec. 13.
- of day on which judgment complained of was pronounced, *ib*.
- of time requisite for obtaining copy of decree appealed against, *ib*.
- Exclusion

- Exclusion of time requisite for obtaining copy of award, sec. 13.
 ———-of time of defendant's absence from British India, sec. 14.
 ———-of time of suing *bonâ fide* in court without jurisdiction, sec. 15.
 ———-of time during which commencement of suit has been stayed by injunction, sec. 16.
 ———-of time during which judgment-debtor sues to set aside execution-sale, sec. 17.
- Exclusive privilege, damages for infringing, No. 11.
 Execution,—see *Application*.
 Execution-sale, exclusion of time during which judgment-debtor sues to set aside, sec. 17.
 ———-application to set aside, No. 159.
 ———-suit to set aside, sec. 17.
 ———-suit for possession by purchaser at, Nos. 137, 138, 139.
- Executor, acknowledgment or promise by one, sec. 20, expl. 2.
 ———-suit by, for wrong to testator, No. 12.
 ———-suit by, for death caused by actionable wrong, No. 13.
 ———-suit against, for wrong done by testator, No. 39.
- Ex parte* judgment, application for order to set aside, No. 157.
 Expiry of period of limitation when court is closed, sec. 5, cl. (a).
 Extinction of contract by foreign limitation law, sec. 12.
 ———-of right to land or hereditary office, sec. 29.
- Factor, suit against, for an account, No. 64.
 Failing consideration, suit for money paid on, No. 98.
 False imprisonment, suit for, No. 21.
 Food supplied by hotel-keeper, &c., suit for, No. 8.
 Foreclosure suit,—see *Mortgagee*.
 Foreign country defined, sec. 3.
 ———-suits on contracts entered into in, secs. 11, 12.
- Foreign contract, suit on, sec. 11.
 ———-limitation law, sec. 12.
 ———-bill, suit on dishonoured, No. 77.
 ———-judgment, suit on, No. 116.
- Forfeiture, suit for, No. 6.
 Forgery,—see *Instrument*.
 Fraud, effect of, sec. 19.
 ———-suit for relief on ground of, No. 95.
 ———-suit to set aside decree obtained by, No. 96.
- Furniture, suit for hire of household, No. 49.
- Good faith, defined, sec. 3.
 ———-effect of suing in wrong court in, sec. 15.
 ———-claimant through fraudulent person in, sec. 19 (b).
 ———-purchase of moveables from trustee, &c., in, No. 133.
 ———-purchase of immoveables from trustee or mortgagee in, No. 134.
- Goods to be delivered, suit for balance of advance in payment of, No. 50.
 ———-sold and delivered, suit for price of, No. 51.
 ———-to be paid for after a fixed time, suit for price of, No. 52.
 ———-by a bill, suit for price of, No. 53.

See *Moveable property*.

Government

Government, suits against, Nos. 17, 18, 19, 20.

See *Revenue, Secretary of State for India in Council.*

Gregorian calendar, time computed according to, sec. 26.

Growing crops, suit for price of, No. 54.

Haqq, suit for, No. 132. expl.

Hereditary office, suit under Madras Reg. VI of 1831 for, not affected by this Act, sec. 1. cl. (c).

-----extinguishment of right to, sec. 29.

-----suit for, No. 123.

High Court,—see *Appeal, Charter Court, Interest, Part-payment, Judgment Creditor, Judgment Debtor, Mortgagee.*

Hindú entitled on widow's death, suit by, No. 142.

-----suit by, to set aside alienation of ancestral property, Nos. 125, 126.

-----excluded from joint-family property, suit by, No. 127.

-----suit by, for maintenance, No. 128.

-----to establish or set aside an adoption, No. 129.

Hindú manager, his suit for contribution, No. 107.

Hindú widow, suit to have her alienation declared void, No. 124.

Hire, suit for, under Act IX of 1860, No. 4.

-----of animals, &c., suit for, No. 49.

Household furniture, suit for hire of, No. 49.

Hundí included in 'Bill of Exchange,' sec. 3.

Husband,—see *Conjugal rights, Wife.*

Idiocy of person having a right to sue, sec. 7.

Immoveable property, trespass on, No. 43.

-----taken for public purposes, suit against Government for compensation for, Nos. 19, 20.

-----purchased from mortgagee, suit for possession of, No. 134.

-----suit for, when plaintiff has been dispossessed or has discontinued possession, No. 143.

-----suit for, when plaintiff has become entitled by forfeiture or breach of condition, No. 144.

-----suit for, money charged upon, or payable out of, No. 132.

-----suit for, not otherwise provided for, No. 145.

See *Improvement, Incumbrances, Mesne profits, Mortgagee, Possession, Rent-free land.*

Imprisonment,—see *False imprisonment.*

Inability to sue subsequent to time beginning to run, sec. 9.

Incumbrances on an estate sold for revenue arrears, suit to avoid, No. 119.

-----on a patní táluq, No. 120.

Indemnity, suit on contract of, No. 84.

Infringement of copyright, suit for, No. 11.

Injunction, staying commencement of suit by, sec. 16.

-----damages caused by wrongfully obtaining, No. 86.

Injury to person, suit for, No. 22.

-----to goods, No. 26.

-----suit against carrier for, No. 36.

Insanity of person to whom right to sue accrues, sec. 7.

-----suit for property conveyed during, No. 94.

Instalments, failure to pay, sec. 23, ill. (a).

Instalments

- Instalments, contract for payment by, where whole becomes due on default in one, sec. 23.
- decree directing payment to be made by, No. 167.
See *Bond, Promissory note*.
- Institution of suit, sec. 4, expl.
- Instrument, suit to cancel or set aside an, No. 92.
- suit to declare forgery of an, No. 93.
See *Calendar*.
- Insurer,—see *Policy, Premia*.
- Interest on debt or legacy, effect of paying, sec. 21.
- suit for, No. 61.
- on High Court judgment-debt, effect of paying, No. 169.
- Interpretation clause, sec. 3.
- Interruption defined, sec. 27, expl.
- Issue of forged instrument, No. 93.
- Joint creditor or claimant, disability of a, sec. 8.
- Judgment by default, application to set aside, No. 156.
- Judgment *ex parte*, application to set aside, No. 157.
- application for review of, sec. 5. cl. (b), No. 164.
- foreign, suit on, No. 116.
- obtained in British India, suit on, No. 121.
- of Charter Court, application to enforce, No. 169.
- Judgment-creditor in High Court, acknowledgment to, No. 169.
- Judgment-debtor, effect of suit by, to set aside execution-sale, sec. 17.
- in High Court, acknowledgment by, No. 169.
- Jurisdiction,—see *Appeal*.
- Labourer,—see *Wages*.
- Lákhiráj,—see *Rent free land*.
- Land, extinguishment of right to, sec. 29.
See *Immoveable property*.
- Landlord, his suit to recover possession, No. 140.
See *Trees*.
- Lease for arrears of revenue, suit to set aside, No. 17.
- Legacy, acknowledgment of, or promise to pay, sec. 20.
- payment of interest on, sec. 21.
- suit for, No. 122.
- Legal disability, effect of, sec. 7.
- continuing till death, *ib*.
- Legal process, suit for wrongful seizure of moveables under, No. 30.
- Lessor,—see *Landlord, Lease, Trees*.
- Libel, suit for, No. 24.
- Lien,—see *Vendor's lien*.
- Light, prescriptive title to access and use of, sec. 27,—see *Easement*.
- Limitation, dismissal of suits instituted after period of, sec. 4.
- need not be pleaded, *ib*.
- saving of local laws prescribing different period of, sec. 6.
- applicable to suits on foreign contracts, sec. 11.
- foreign rules of, sec. 12.
- Loan,—see *Money lent*.
- Local extent, sec. 1.

- Local laws, saving of periods of limitation prescribed by, sec. 6.
 Lodging, suit for price of, No. 9.
 Losing goods, suit against carrier for, No. 36.
 Loss of written acknowledgment, sec. 20, cl. (c).
 -----of service by seduction, suit for, No. 27.
 -----of goods by carrier, suit for, No. 36.
 Lost property, suit for, No. 47.
 Lunatic,—see *Insanity*.
 Magistrate—see *Officer*.
 Maintenance, suit for, No. 128.
 Maker, see *Promissory note*.
 Malfeasance independent of contract, suit for, No. 40.
 Malicious prosecution, suit for, No. 23.
Málíkána, suit for, No. 132.
 Manager,—see *Hindú manager*.
 Mesne profits, suit for, No. 109.
 Minor defined, sec. 3.
 Minority of person having right to sue, sec. 7.
 Misconduct, suit by principal against agent for, No. 91.
 Misfeasance independent of contract, suit for, No. 40.
 Mistake in fact, suit for relief on ground of, No. 97.
 Mitákshará, suit by Hindú under law of, No. 125.
 Money lent, suit for, No. 56.
 -----when lender gave cheque, suit for, No. 57.
 -----under agreement that it should be payable on demand, suit for,
 No. 58.
 -----paid for defendant, suit for, No. 59.
 -----received for plaintiff's use, suit for, No. 60.
 -----payable for interest, suit for, No. 61.
 -----found due on accounts stated, suit for, No. 62.
 -----paid on failing consideration, suit for, No. 98.
 -----charged upon or payable out of land, suit for, No. 132.
 Mortgagee remaining in possession after mortgage satisfied, not a 'trustee,'
 sec. 3.
 -----suit for surplus collections received by satisfied, No. 105.
 -----suit to recover land purchased from, No. 134.
 -----suit by, in Mofussil Court, for possession of land, No. 135.
 -----suit against, to recover land mortgaged to, No. 148.
 -----suit in High Court by, for land mortgaged to, No. 149.
 Mortgagor, suit by, No. 148.
 Moveable property, suit for taking or damaging, No. 26.
 -----for wrongfully seizing under legal process, No. 30.
 -----for wrongfully detaining, No. 34.
 -----for specific recovery of, No. 35.
 -----for lost, No. 47.
 -----for stolen, No. 48.
 -----suit by principal against agent for, No. 90.
 See *Depositary, Goods, Money, Pawnee, Title deeds, Trustee*.
Mu'ajjal,—see *Dower*.
 Muhammadan,—see *Dower, Pre-emption*.
Mu'wajjal,—see *Dower*.

- Native instruments, computation of time mentioned in, sec. 26.
 Neglect, suit by principal against agent for, No. 91.
 Nonfeasance independent of contract, suit for, No. 40.
 Nuisance, defined, sec. 3.
 -----suit for a continuing, sec. 24.
 See *Watercourse, Way*.
 Office,—see *Hereditary office*,
 Officer of Government, suit to set aside act of, No. 16.
 -----of Revenue,—see *Collector*.
 Official Liquidator, claim sent in to, sec. 4, expl.
 Omission in acknowledgment to specify exact amount of debt, sec. 20, expl. 1.
 -----to do an act in pursuance of an enactment, suit for, No. 2.
 Oral evidence of date of acknowledgment, sec. 20, cl. (c).
 -----not of contents of lost or destroyed acknowledgment, *ib*.
 Order in any proceeding not a suit, suit to set aside, No. 15.
 -----under Act XVI of 1838, sec. 1, cl. 2, Act XXV of 1861, cap. 22, or
 Bom. Act V of 1864, suit to recover property comprised in, No. 46.
 -----of Civil Court, application for execution of, Nos. 167, 168, 169.
 Partner, acknowledgment or promise by one, sec. 20, expl. 2.
 Partnership, suit for account and share of profits of dissolved, No. 106.
 Part-payment when it takes debt out of operation of Act, sec. 21.
 -----in case of High Court judgment-debt, No. 169.
 Patent,—see *Privilege*.
 Patní defined, No. 14 exp.
 Patní táluq, suit to set aside sale, No. 14 (*id*).
 -----sold for arrears of rent, suit to avoid incumbrances on, No. 120.
 Pauper, suit when instituted by, sec. 4, exp.
 See *Application*.
 Pawnee, suit against, No. 147.
 -----suit against purchaser from, No. 133.
 Payee of bill, his suit against drawer, Nos. 78 and 79.
 Payment,—see *Interest, Part-payment, Refusal*.
 Penalty, suit for, No. 6.
 Periodical right, suit to establish, No. 131.
 Permanent settlement, No. 130.
 Person, suit for injury to, No. 22.
 See *False imprisonment*.
 Perversion of property to unauthorised uses, suit for, No. 38.
 Place, suit on a bill payable at a particular, No. 70.
 Plaintiff defined, sec. 3.
 -----effect of substituting new, sec. 22.
 -----suit for seduction of daughter or servant of, No. 27.
 -----suit for inducing a person to break a contract with, No. 28.
 -----suit for price of trees or growing crops sold by, No. 54.
 -----suit for price of work done by, No. 55.
 -----suit for money payable to, Nos. 59, 60, 61, 62.
 -----suit for property conveyed by insane, No. 94.
 -----mistake in fact by, No. 97.
 -----suit for contribution in respect of advance by, No. 100.
 -----suit for profits of land belonging to, No. 109.
 -----denied right to specific performance, No. 113.

- Plaintiff suing to rescind contract, No. 114.
 -----denied enjoyment of recurring right, No. 131.
 -----possession becoming adverse to, Nos. 123, 145.
 Policy of insurance, suit on, No. 88.
 -----voidable at insurer's election, suit to recover premia paid under, No. 89.
 Possession of land, suit for, by purchaser at execution-sale, sec. 17.
 -----suit for, under Act XIV of 1859, sec. fifteen, No. 3.
 -----mortgagee's suit for, No. 135.
 -----private purchaser's suit for, No. 136.
 -----execution-purchaser's suit for, Nos. 137, 138, 139.
 -----landlord's suit for, No. 140.
 -----suit by remainderman, reversioner, or devisee for, No. 141.
 -----suit by a Hindú entitled on death of widow, No. 142.
 -----by one who has been dispossessed or has discontinued possession, No. 143.
 -----by one entitled by reason of forfeiture or breach of condition, No. 144.
 -----other suits for, No. 145.
 Pre-emption, suit to enforce right of, No. 10.
 Premia paid under voidable policy, suit for, No. 89.
 Prescription, title by, sec. 27.
 Presentation,—see *Appeal*.
 Price of work under Act IX of 1860, suit for, No. 4.
 -----goods sold and delivered, suit for, Nos. 51, 52, 53.
 -----trees or growing crops, No. 54.
 -----work done, suit for, No. 55.
 Principal debtor, suit by surety against, No. 82.
 -----against agent, suit by, Nos. 90, 91.
 Privilege, suit for infringing exclusive, No. 11.
 Profits of dissolved partnership, suit for, No. 106.
 -----suit for mesne, No. 109.
 Promise in writing, effect of, sec. 20.
 -----to do anything at or on a specified time or contingency, suit on, No. 63.
 -----in writing registered, suit on, No. 117.
 Promissory note payable at fixed time after date, No. 68.
 -----sight or demand, No. 71.
 -----on demand, No. 72.
 -----suit by endorsee against endorser of, No. 73.
 -----payable by instalments, suit on, sec. 23, *ill.* Nos. 74, 75.
 -----given by maker to third person to be delivered to payee on certain event, suit on, No. 76.
 Property comprised in order under Act XVI of 1838, sec. 1, or Act XXV of 1861, cap. 22, suit to recover, No. 46.
 -----conveyed by plaintiff while insane, suit for, No. 94.
 See *Immoveable property, Moveable property, Slander*.
 Prosecution,—see *Malicious prosecution*.
 Protest, suit against Government to recover money paid under, No. 18.
 -----of foreign bill, No. 77.
 Public Works,—see *Wages*.

- Purchaser of moveables from trustee, depository or pawnee, No. 133.
 ———-at a private sale of land, suit by, for possession, No. 136.
 ———-at an execution sale of land, suit by, for possession, Nos. 137, 138, 139.
- Reciprocal demands, No. 87.
 Recognizance, suit on, No. 121.
 Recurring right, suit to establish, No. 131.
 Redemption, acknowledgment of right of, Nos. 147, 148.
 See *Mortgagor*.
- Refusal to pay, acknowledgment accompanied by, sec. 20, expl. (1).
 ———-to complete acquisition of land for public purposes, No. 20.
 ———-of a wife, No. 41.
 ———-of restitution of conjugal rights, No. 42.
 ———-of lost or stolen moveables, Nos. 47, 48.
 ———-of account by agent, No. 90.
 ———-of share of joint family property, No. 127.
 ———-of maintenance, No. 128.
 ———-of enjoyment of recurring right, No. 131.
- 'Registered' defined, sec. 3.
 ———-appeal, sec. 4, ill. (b).
 ———-instrument, suit to declare forgery of, No. 98.
 ———-suit for breach of contract not, No. 115.
 ———-promise or contract in writing, suit on, No. 117.
 ———-decree or order, application for execution of, No. 168.
 See *Company*.
- Regulation vi of 1831 (Madras) suits under, sec. 1, cl. (c).
 Regulations, suit to contest award under certain Bengal, No. 44.
 Relief,—see *Fraud, Mistake*.
- Remainderman, suit by, No. 141.
 Rent, suit to set aside sale of *patni taluq* sold for arrears of, No. 14, cl. (d).
 ———-suit for arrears of, No. 110.
 Rent-charge, suit for, No. 132.
 Rent-free land, suit for resumption or assessment of, No. 130.
 Repeal of enactments, sec. 2, sched. I.
 Representative of person whose disability continues up to death, sec. 7.
 ———-of express trustee, sec. 10.
 ———-of deceased, sec. 18.
 ———-of deceased plaintiff, sec. 22.
 ———-of deceased defendant, sec. 22.
 ———-his suit for wrong done to the deceased, No. 12.
 ———-his suit for death caused by actionable wrong, No. 13.
 ———-suit against for wrong done by deceased, No. 39.
 See *Administrator, Executor*.
- Rescission of contract, suit for, No. 114.
 Resistance to claim of easement, sec. 28.
 Resumption,—see *Rent-free land*.
- Revenue, suit to set aside sale by officer of, No. 14, cl. (b).
 ———-suit to set aside sale for arrears of, *ib.*, cl. (c).
 ———-suit to set aside attachment, lease or transfer of land for arrears of,
 No. 17.
 See *Contribution*.

- Revenue Court, application for execution of summary decision of, No. 166.
 Reversioner of servient tenement, exclusion in favour of, sec. 28.
 ———, suit by, No. 141.
 Review of judgment,—see *Application*.
 Revivor of judgment of High Court, No. 169.
 Right,—see *Easement, Pre-emption, Redemption*.
 Sales in execution of decrees, application to set aside for irregularity, No. 159.
 ——— suits to set aside certain, No. 14.
 See *Purchaser, Rent, Vendor's lien*.
 Scaled acknowledgment insufficient, sec. 20, ill.
 Seaman's wages, suit for, No. 102.
 Secretary of State for India in Council, suit in name of, No. 150.
 See *Government*.
 Seduction,—see *Service*.
 Servant,—see *Service, Wages*.
 Service of summons on absent defendant, effect of, sec. 14.
 ——— suit for loss of, caused by seduction of plaintiff's daughter or servant,
 No. 27.
 Servient tenement, exclusion in favour of reversioner of, sec. 28.
 Setting aside instruments, suits for, No. 92.
 Set-off, acknowledgment coupled with claim to, sec. 20, expl. (1).
 Share of profits of dissolved partnership, suit for, No. 106.
 ——— in joint family property, suit to enforce right to, No. 127.
 Short title, sec. 1.
 Signature of acknowledgment or promise, sec. 20.
 Slander, suit for, No. 25.
 Special appeal,—see *Application*.
 Specific recovery of moveables, suit for, No. 35.
 ——— performance of contract, suit to enforce, No. 113.
 Statutes repealed, sched. I.
 Substitution of plaintiff, sec. 22.
 Successive breaches of contract, sec. 23.
 Suit instituted before 1st April 1873, sec. 1. cl. (a).
 ——— under Indian Divorce Act, *ib.* cl. (b).
 ——— under Madras Regulation vi of 1831, *ib.* cl. (c).
 ——— when instituted, sec. 4, expl.
 ——— *bonâ fide* in wrong Court, effect of prosecuting, sec. 15.
 ——— effect of staying by injunction commencement of, sec. 16.
 ——— by judgment-debtor to set aside execution-sale, effect of, sec. 17.
 ——— for which no period is specially provided, No. 113.
 Summary decisions and orders of Mofussil Courts, suits to set aside, No. 15.
 ——— applications to enforce, No. 166.
 Summary Procedure on Bills of Exchange Act, suit under, No. 5.
 Summons,—see *Service*.
 Surety, suit by, against principal debtor, No. 82.
 ——— against co-surety, No. 83.
 Surplus collections,—see *Mortgagee*.
 Taking moveables, suit for, No. 26.
 Tavern bill, suit for amount of, No. 8.
 Tenant, see *Landlord*.
 Time, continuous running of, sec. 9.

Time, mentioned in Native instruments, sec. 26.

See *Exclusion*.

Title by prescription, secs. 27, 28.

— of depositor or pawnor, acknowledgment of, No. 147.

— of mortgagor, acknowledgment of, No. 148.

Title-deeds, suit for wrongfully detaining, No. 33.

Tort,—see *Wrong*.

— *quasi ex contractu*,—see *Malfeasance, Misfeasance, Nonfeasance, Wrong*.

Transfer of land for arrears of revenue, suit to set aside, No. 17.

Trees, suit for price of, No. 54.

— cut down by lessee, suit by lessor for value of, No. 108.

Trespass, not included in 'nusance', sec. 3.

— suit for, No. 43.

Trustee defined, sec. 3.

— suit against express, sec. 10.

— suit to make good loss caused by breach of trust of deceased, No. 99.

— suit for contribution against estate of deceased, No. 101.

— suit against purchaser of moveables from, No. 133.

— suit against purchaser of land from, No. 134.

Undertaking to pay or deliver a debt or legacy, sec. 20, expl.

Under-tenures in an estate sold for arrears of revenue, suit to avoid, No. 119.

— in a patnī tāluq sold for arrears of rent, suit to avoid, No. 120.

Vakil, his suit for costs, No. 85.

Valuable consideration, effect of, sec. 19, cl. (b), Nos. 133, 134.

Vehicles, suit for hire of, No. 49.

Vendee,—see *Purchaser*.

Vendor's lien, suit to enforce, No. 111.

Wages, &c., of workmen engaged in public works, claim for, No. 4.

— of domestic servants, artisans and labourers, suit for, No. 7.

— of seamen, suit for, No. 102.

Want of jurisdiction, appeal on ground of, sec. 15, expl. 2.

Waste lands, suit to contest an award relating to, No. 1.

Watercourse, acquisition of title to, sec. 27.

— suit for obstructing, No. 31.

— suit for diverting, sec. 24, *ill.* No. 32.

Way, acquisition of title to, sec. 27.

— suit for obstructing, No. 31.

Wife, suit for person of, No. 41.

See *Conjugal Rights, Divorce Act*.

Work done, suit for price of, No. 55.

Writing,—see *Acknowledgment, Promise*.

Wrong not specially provided for, suit for, No. 40.

See *Administrator, Carrier, Continuing damage, Damaging moveables, Death, Distress, Executor, False imprisonment, Fraud, Infringement, Injunction, Injury, Legal Process, Libel, Loss, Malfeasance, Malicious prosecution, Misconduct, Misfeasance, Moveable property, Neglect, Nonfeasance, Per- version, Principal, Representative, Service, Slander, Trespass, Water- course, Way, Wrongdoer, Wrongful seizure*.

Wrongdoer in possession without title, not a 'trustee,' sec. 3.

Wrongful detention of moveables, Nos. 33, 34.

— seizure under legal process, suit for, No. 30.