

ACT No. VI OF 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th July, 1892.)

An Act to amend the Indian Limitation Act, 1877, and the Code of Civil Procedure.

WHEREAS it is expedient to amend the Indian Limitation Act, 1877, and the Code of Civil Procedure; It is hereby enacted as follows:—

Addition of new section after section 5, Act XV of 1877.

Limitation for certain appeals or applications for review of judgment.

1. After section 5 of the Indian Limitation Act, 1877, the following section shall be added, namely:—

“5A. Whenever it is shown to the satisfaction of the Court that an appeal or an application for a review of judgment was presented after the expiration of the period of limitation prescribed for such appeal or application owing to the appellant or applicant having been misled by any order, or practice, or judgment of the High Court of the Presidency, Province, or District, such appeal or application, if otherwise in accordance with law, shall for all purposes be deemed by all Courts to have been presented within the period of limitation prescribed therefor.”

Addition of new section to Chapter XXII of Code of Civil Procedure.

Applications for execution of decrees not affected.

2. To Chapter XXII of the Code of Civil Procedure the following section shall be added, namely:—

“375A. Nothing in this Chapter shall apply to any application or other proceeding in any suit subsequent to the decree.

“*Explanation.*—An application to the Appellate Court pending an appeal is not an application subsequent

quent to the decree appealed from within the meaning of this section."

3. After section 582 of the said Code the following section shall be added, namely:—

Addition of new section after section 582 of said Code.

"582A. If a memorandum of appeal or application for a review of judgment has been presented within the proper period of limitation, but is written upon paper insufficiently stamped and the insufficiency of the stamp was caused by a mistake on the part of the appellant or applicant as to the amount of the requisite stamp, the memorandum of appeal or application shall have the same effect and be as valid as if it had been properly stamped: Provided that such appeal or application shall be rejected unless the appellant or applicant supplies the requisite stamp within a reasonable time after the discovery of the mistake, to be fixed by the Court."

Validation of certain memoranda of appeals or applications for review of judgment.

4. To section 647 of the said Code the following shall be added, namely:—

Addition to section 647 of said Code.

"*Explanation.*—This section does not apply to applications for the execution of decrees, which are proceedings in suits."

5. The provisions of this Act shall apply to every appeal and review of judgment heard after the passing hereof, notwithstanding that the judgment appealed from or under review may have been passed, or the petition of appeal or application for review presented, before the passing of this Act.

Application of Act.