

THE INDIAN LIMITATION ACT, 1908
(IX OF 1908).

CONTENTS.

PART I.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

3. Dismissal of suits, etc., instituted, etc., after period of limitation.
4. Where Court is closed when period expires.
5. Extension of period in certain cases.
6. Legal disability.
7. Disability of one of several plaintiffs or applicants.
8. Special exceptions.
9. Continuous running of time.
10. Suits against express trustees and their representatives.
11. Suits on foreign contracts.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

12. Exclusion of time in legal proceedings.
13. Exclusion of time of defendant's absence from British India and certain other territories.
14. Exclusion of time of proceeding *bonâ fide* in Court without jurisdiction.
15. Exclusion of time during which proceedings are suspended.
16. Exclusion of time during which proceedings to set aside execution-sale are pending.
17. Effect of death before right to sue accrues.
18. Effect of fraud.
19. Effect of acknowledgment in writing.

20. Effect

SECTIONS.

20. Effect of payment of interest as such or of part payment of principal.
Effect of receipt of produce of mortgaged land.
21. Agent of person under disability.
Acknowledgment or payment by one of several joint contractors, etc.
22. Effect of substituting or adding new plaintiff or defendant.
23. Continuing breaches and wrongs.
24. Suit for compensation for act not actionable without special damage.
25. Computation of time mentioned in instruments.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

26. Acquisition of right to easements.
27. Exclusion in favour of reversioner of servient tenement.
28. Extinguishment of right to property.

PART V.

SAVINGS AND REPEALS.

29. Savings.
30. Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877.
31. Provision for suits by certain mortgagees in territories mentioned in the second schedule.
32. Repeals.

THE FIRST SCHEDULE.—LIMITATION

THE SECOND SCHEDULE.—TERRITORIES REFERRED TO IN SECTION 31.

THE THIRD SCHEDULE.—ENACTMENTS REPEALED.

ACT No. IX OF 1908.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th August, 1908.)

An Act to consolidate and amend the law 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 by possession the ownership of easements and other property; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Indian Limitation Act, 1908.

(2) It extends to the whole of British India; and

(3) This section and section 31 shall come into force at once. The rest of this Act shall come into force on the first day of January 1909.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "applicant" includes any person from or through whom an applicant derives his right to apply:

(2) "bill of exchange" includes a hundi and a cheque:

(3) "bond" includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified

(Part I.—Preliminary. Part II.—Limitation of Suits, Appeals and Applications.)

specified act is performed, or is not performed, as the case may be :

(4) "defendant" includes any person from or through whom a defendant derives his liability to be sued :

(5) "easement" includes a right not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another or anything growing in, or attached to, or subsisting upon, the land of another :

(6) "foreign country" means any country other than British India :

(7) "good faith" : nothing shall be deemed to be done in good faith which is not done with due care and attention :

(8) "plaintiff" includes any person from or through whom a plaintiff derives his right to sue :

(9) "promissory note" means any instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight :

(10) "suit" does not include an appeal or an application : and

(11) "trustee" does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

3. Subject to the provisions contained in sections 4 to 25 (inclusive), every suit instituted, appeal preferred, and application made, after the period of limitation prescribed therefor by the first schedule shall be dismissed, although limitation has not been set up as a defence.

Dismissal of suits, etc., instituted, etc., after period of limitation.

Explanation.

(Part II.—Limitation of Suits, Appeals and Applications.)

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 made; 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.

Where Court is closed when period expires.

4. Where 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, preferred or made on the day that the Court re-opens.

Extension of period in certain cases.

5. Any appeal or application for a review of judgment or for leave to appeal or any other application to which this section may be made applicable by any enactment or rule for the time being in force 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 preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

Legal disability.

6. (1) Where a person entitled to institute a suit or make an application for the execution of a decree is, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the first schedule.

(2) Where such person is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where, before his disability has

has

(Part II.—Limitation of Suits, Appeals and Applications.)

has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

(3) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

(4) Where such representative is at the date of the death affected by any such disability, the rules contained in sub-sections (1) and (2) shall apply.

Illustrations.

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

(b) A right to sue accrues to Z during his minority. After the accrues, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(c) A right to sue accrues to X during his minority. X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

7. Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree is under any such disability, and 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 one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

Disability
of one of
several
plaintiffs or
applicants.

Illustrations.

(a) A incurs a debt to a firm of which B, C and D are partners. B is insane and C is a minor. D can give a discharge of

(Part II.—Limitation of Suits, Appeals and Applications.)

of the debt without the concurrence of B and C. Time runs against B, C and D.

(b) A incurs a debt to a firm of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

Special
exceptions.

8. Nothing in section 6 or in section 7 applies to suits to enforce rights of pre-emption, or 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 any suit must be instituted or application made.

Illustrations.

(a) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has, under the ordinary law, only one year remaining within which to sue. But under section 6 and this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(b) A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accruer 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 section 6 read with this section.

(c) 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 accruer, 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. Section 6 read with this section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

Continuous
running of
time.

9. Where 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.

10. Notwithstanding

(Part II.—Limitation of Suits, Appeals and Applications. Part III.—Computation of Period of Limitation.)

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, or the proceeds thereof, or for an account of such property or proceeds, shall be barred by any length of time.

Suits against express trustees and their representatives.

11. (1) Suits instituted in British India on contracts entered into in a foreign country are subject to the rules of limitation contained in this Act.

Suits on foreign contracts.

(2) No foreign rule of limitation shall be a defence to a suit instituted 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.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

12. (1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

Exclusion of time in legal proceedings.

(2) In computing the period of limitation prescribed for an appeal, an application for leave to 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 from or sought to be reviewed, shall be excluded.

(3) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.

(4) In

(Part III.—Computation of Period of Limitation.)

(4) 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.

Exclusion of time of defendant's absence from British India and certain other territories.
Exclusion of time of proceeding *bond fide* in Court without jurisdiction.

13. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India and from the territories beyond British India under the administration of the Government shall be excluded.

14. (1) In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation prescribed for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

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

Explanation II.—For the purposes of this section, a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding.

Explanation III.—For the purposes of this section misjoinder of parties or of causes of action shall be deemed

(Part III.—Computation of Period of Limitation.)

deemed to be a cause of a like nature with defect of jurisdiction.

15. (1) In computing the period of limitation prescribed for any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded.

Exclusion of time during which proceedings are suspended.

(2) In computing the period of limitation prescribed for any suit of which notice has been given in accordance with the requirements of any enactment for the time being in force, the period of such notice shall be excluded.

16. 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 a proceeding to set aside the sale has been prosecuted shall be excluded.

Exclusion of time during which proceedings to set aside execution-sale are pending. Effect of death before right to sue accrues.

17. (1) Where a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(2) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(3) Nothing in sub-sections (1) and (2) applies to suits to enforce rights of pre-emption or to suits for the possession of immoveable property or of an hereditary office.

18. Where any person having a right to institute a suit or make an application has, by means of fraud, been

Effect of fraud.

(Part III.—Computation of Period of Limitation.)

been kept from the knowledge of such right or of the title on which it is founded;

or where any document necessary to establish such right has been fraudulently concealed from him,

the time limited for instituting a suit or making an application—

(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.

Effect of acknowledgment in writing.

19. (1) Where, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed.

(2) Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but, subject to the provisions of the Indian Evidence Act, 1872, oral evidence of its contents shall not be received. I of 187

Explanation I.—For the purposes of this section an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation II.—

(Part III.—Computation of Period of Limitation.)

Explanation II.—For the purposes of this section, "signed" means signed either personally or by an agent duly authorized in this behalf.

Explanation III.—For the purposes of this section an application for the execution of a decree or order is an application in respect of a right.

20. (1) Where 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 duly authorized in this behalf,

Effect of payment of interest as such or of part payment of principal.

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

a fresh period of limitation shall be computed from the time when the payment was made :

Provided that, in the case of part payment of the principal of a debt, the fact of the payment appears in the handwriting of the person making the same.

(2) Where mortgaged land is in the possession of the mortgagee, the receipt of the rent or produce of such land shall be deemed to be a payment for the purpose of sub-section (1).

Effect of receipt of produce of mortgaged land.

Explanation.—Debt includes money payable under a decree or order of Court.

21. (1) The expression "agent duly authorized in this behalf," in sections 19 and 20, shall, in the case of a person under disability, include his lawful guardian, committee or manager, or an agent duly authorized by such guardian, committee or manager to sign the acknowledgment or make the payment.

Agent of person under disability.

(2) Nothing in the said sections renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed or of a payment made by, or by the agent of, any other or others of them.

Acknowledgment or payment by one of several joint contractors, etc.

22. (1) Where, after the institution of a suit, a new plaintiff or defendant is substituted or added, the

Effect of substituting or adding

(Part III.—Computation of Period of Limitation.)

new plaintiff or defendant. the suit shall, as regards him, be deemed to have been instituted when he was so made a party.

(2) Nothing in sub-section (1) shall apply to a case where a party is added or substituted owing to an assignment or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.

Continuing breaches and wrongs.

23. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

Suit for compensation for act not actionable without special damage.

24. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

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 in the case of a suit by A against B runs from the time of the subsidence.

Computation of time mentioned in instruments.

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

Illustrations.

(a) A Hindu 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 expiration of four months after date computed according to the Gregorian calendar.

(b) A Hindu 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 expiration of one year after date computed according to the Gregorian calendar.

PART IV.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

26. (1) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for twenty years,

Acquisition
of right to
easements.

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.

(2) Where the property over which a right is claimed under sub-section (1) belongs to Government, that sub-section shall be read as if for the words "twenty years" the words "sixty years" were substituted.

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.

(a) A suit is brought in 1911 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

(Part IV.—Acquisition of Ownership by Possession.
Part V.—Savings and Repeals.)

and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption from 1st January 1890 to 1st January 1910. The plaintiff is entitled to judgment.

(b) 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.

Exclusion in favour of reversioner of servient tenement.

27. Where any land or water upon, over or from which any easement 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, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the 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 Hindu 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.

Extinguishment of right to property.

28. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

PART V.

SAVINGS AND REPEALS.

Savings.

29. (1) Nothing in this Act shall—

(a) affect the Indian Contract Act, 1872, section IX of 1872 :

(b) affect

(Part V.—Savings and Repeals.)

(b) affect or alter any period of limitation specially prescribed for any suit, appeal or application by any special or local law now or hereafter in force in British India.

IV of 1869. (2) Nothing in this Act shall apply to suits under the Indian Divorce Act.

V of 1882. (3) Sections 26 and 27 and the definition of "easement" in section 2 shall not apply to cases arising in territories to which the Indian Easements Act, 1882, may for the time being extend.

XV of 1877. 30. Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Act is shorter than the period of limitation prescribed by the Indian Limitation Act, 1877, may be instituted within the period of two years next after the passing of this Act, or within the period prescribed for such suit by the Indian Limitation Act, 1877, whichever period expires first.

Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877.

XV of 1877. 31. (1) Notwithstanding anything contained in this Act or in the Indian Limitation Act, 1877, in the territories mentioned in the second schedule a suit for foreclosure or a suit for sale by a mortgagee may be instituted within two years from the date of the passing of this Act, or within sixty years from the date when the money secured by the mortgage became due, whichever period expires first; and no such suit in the said territories instituted within the said period of sixty years and pending at the date of the passing of this Act, either in a Court of first instance or of appeal, shall be dismissed on the ground that a twelve years' rule of limitation is applicable.

Provision for suits by certain mortgagees in territories mentioned in the second schedule.

(2) Where in the aforesaid territories the claim of a mortgagee for foreclosure or for sale has been wholly or in part dismissed or withdrawn after the twenty-second day of July 1907 and before the passing of this Act, either in a Court of first instance or of appeal on the ground that a twelve years' rule of limitation applied to such claim, the case may be restored on an application in writing to the Court by which

(Part V.—Savings and Repeals.)

which the claim was dismissed or in which it was withdrawn, provided the application is made within six months from the date of the passing of this Act : and on such restoration, the provisions of sub-section (1) shall apply.

Repeals. 32. The enactments mentioned in the third schedule are repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE.

(See section 3.)

FIRST DIVISION : SUITS.

Description of suit.	Period of limitation.	Time from which period begins to run.
1.—To contest an award of the Board of Revenue under the Waste Lands (Claims) Act, 1863.	<p><i>Part I.—Thirty days.</i></p> Thirty days .	When notice of the award is delivered to the plaintiff.
2.—For compensation for doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being in British India.	<p><i>Part II.—Ninety days.</i></p> Ninety days .	When the act or omission takes place.
3.—Under the Specific Relief Act, 1877, section 9, to recover possession of immoveable property.	<p><i>Part III.—Six months.</i></p> Six months .	When the dispossession occurs.
4.—Under the Employers and Workmen (Disputes) Act, 1860, section 1.	Ditto . . .	When the wages, hire or price of work claimed accrue or accrues due.

XXIII of 1863.

of 1877.

of 1860.

5, --Under

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—*contd.*FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part III.—Six months—contd.</i>	
5.—Under the summary procedure referred to in section 128 (2) (f) of the Code of Civil Procedure, 1908.	Six months . . .	When the debt or liquidated demand becomes payable or when the property becomes recoverable.
	<i>Part IV.—One year.</i>	
6.—Upon a Statute, Act, Regulation or By-law, for a penalty or forfeiture.	One year . . .	When the penalty or forfeiture is incurred.
7.—For the wages of a household servant, artisan or labourer not provided for by this schedule, article 4.	Ditto . . .	When the wages accrue due.
8.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging-house.	Ditto . . .	When the food or drink is delivered.
9.—For the price of lodging	Ditto . . .	When the price becomes payable.
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, under the sale sought to be impeached, physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.

11.—By

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>11.—By a person, against whom any of the following orders has been made to establish the right which he claims to the property comprised in the order:</p> <p>(1) Order under the Code of Civil Procedure, 1908, on a claim preferred to, or an objection made to the attachment of, property attached in execution of a decree;</p> <p>(2) Order under section 28 of the Presidency Small Cause Courts Act, 1882.</p>	<p><i>Part IV.—One year—contd.</i></p> <p>One year . . .</p>	<p>The date of the order.</p>
<p>11A.—By a person against whom an order has been made under the Code of Civil Procedure, 1908, upon an application by the holder of a decree for the possession of immoveable property or by the purchaser of such property sold in</p>	<p>Ditto . . .</p>	<p>The date of the order.</p>

v of
1908.XV of
1882.

execution

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>execution of a decree, complaining of resistance or obstruction to the delivery of possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree-holder or purchaser, to establish the right which he claims to the present possession of the property comprised in the order.</p>	<p><i>Part IV.—One year—contd.</i></p>	
<p>12.—To set aside any of the following sales:—</p> <p>(a) sale in execution of a decree of a Civil Court;</p> <p>(b) sale in pursuance of a decree or order of a Collector or other officer of revenue;</p> <p>(c) sale for arrears of Government revenue, or for any demand recoverable as such arrears;</p>	<p>One year . . .</p>	<p>When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.</p>

(d) sale

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION : SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>(d) sale of a patni taluq sold for current arrears of rent.</p> <p><i>Explanation.</i>—In this article “patni” includes any intermediate tenure saleable for current arrears of rent.</p>	<p><i>Part IV.—One year—contd.</i></p>	
<p>13.—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>14.—To set aside any act or order 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 or order.</p>
<p>15.—Against Government to set aside any attachment, lease or transfer of immovable property by the revenue-authorities for arrears of Government revenue.</p>	<p>Ditto . . .</p>	<p>When the attachment, lease or transfer is made.</p>

16.—Against

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part IV.—One year—contd.</i>		
16.—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.	One year . . .	When the payment is made.
17.—Against Government for compensation for land acquired for public purposes.	Ditto . . .	The date of determining the amount of the compensation.
18.—Like suit for compensation when the acquisition is not completed.	Ditto . . .	The date of the refusal to complete.
19.—For compensation for false imprisonment.	Ditto . . .	When the imprisonment ends.
20.—By executors, administrators or representatives under the Legal Representatives' Suits Act, 1855.	Ditto . . .	The date of the death of the person wronged.
21.—By executors, administrators or representatives under the Indian Fatal Accidents Act, 1855.	Ditto . . .	The date of the death of the person killed.

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22.—For

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part IV.—One year—contd.</i>	
22.—For compensation for any other injury to the person.	One year . . .	When the injury is committed.
23.—For compensation for a malicious prosecution.	Ditto . . .	When the plaintiff is acquitted, or the prosecution is otherwise terminated.
24.—For compensation for libel.	Ditto . . .	When the libel is published.
25.—For compensation for slander.	Ditto . . .	When the words are spoken, or, if the words are not actionable in themselves, when the special damage complained of results.
26.—For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto . . .	When the loss occurs.
27.—For compensation for inducing a person to break a contract with the plaintiff.	Ditto . . .	The date of the breach.
28.—For compensation for an illegal, irregular or excessive distress.	Ditto . . .	The date of the distress.
29.—For compensation for wrongful seizure of moveable property under legal process.	Ditto . . .	The date of the seizure.
30.—Against a carrier for compensation for losing or injuring goods.	Ditto . . .	When the loss or injury occurs.

31.—Against
25

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—*contd.*FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part IV.—One year—concl'd.</i>	
31.—Against a carrier for compensation for non-delivery of, or delay in delivering, goods.	One year . . .	When the goods ought to be delivered.
	<i>Part V.—Two years.</i>	
32.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Two years . . .	When the perversion first becomes known to the person injured thereby.
33.—Under the Legal Representatives' Suits Act, 1855, against an executor.	Ditto . . .	When the wrong complained of is done.
34.—Under the same Act against an administrator.	Ditto . . .	Ditto
35.—Under the same Act against any other representative.	Ditto . . .	Ditto
36.—For compensation for any malfeasance, misfeasance or nonfeasance independent of contract and not herein specially provided for.	Ditto . . .	When the malfeasance, misfeasance or nonfeasance takes place.

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VI.—Three years.</i>	
37.—For compensation for obstructing a way or a watercourse.	Three years . . .	The date of the obstruction.
38.—For compensation for diverting a watercourse.	Ditto . . .	The date of the diversion.
39.—For compensation for trespass upon immoveable property.	Ditto . . .	The date of the trespass.
40.—For compensation for infringing copyright or any other exclusive privilege.	Ditto . . .	The date of the infringement.
41.—To restrain waste . . .	Ditto . . .	When the waste begins.
42.—For compensation for injury caused by an injunction wrongfully obtained.	Ditto . . .	When the injunction ceases.
43.—Under the Indian Succession Act, 1865, section 320 or section 321, or under the Probate and Administration Act, 1881, section 139 or section 140, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	Ditto . . .	The date of the payment or distribution.

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(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VI.—Three years—contd.</i>	
44.—By a ward who has attained majority, to set aside a transfer of property by his guardian.	Three years	When the ward attains majority.
45.—To contest an award under any of the following Regulations of the Bengal Code:—	Ditto	The date of the final award or order in the case.
The Bengal Land-revenue Settlement Regulation, 1822.		VII. 1822
The Bengal Land-revenue Settlement Regulation, 1825.		IX o 1825
The Bengal Land-revenue (Settlement and Deputy Collectors) Regulation, 1833.		IX c 1833
46.—By a party bound by such award to recover any property comprised therein.	Ditto	The date of the final award or order in the case.

47.—By

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—*contd.*FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<p>V of 1893. Bom. II of 1906.</p> <p>47.—By any person bound by an order respecting the possession of immoveable property made under the Code of Criminal Procedure, 1898, or the Mamlafdars' Courts Act, 1906, or by any one claiming under such person, to recover the property comprised in such order.</p> <p>48.—For specific moveable property lost, or acquired by theft, or dishonest misappropriation or conversion, or for compensation for wrongfully taking or detaining the same.</p> <p>49.—For other specific moveable property, or for compensation for wrongfully taking or injuring or wrongfully detaining the same.</p>	<p><i>Part VI.—Three years—contd.</i></p>	
	Three years	The date of the final order in the case.
	Ditto	When the person having the right to the possession of the property first learns in whose possession it is.
Ditto	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.	

50.—For

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION : SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—contd.</i>		
50.—For the hire of animals, vehicles, boats or household furniture.	Three years	When the hire becomes payable.
51.—For the balance of money advanced in payment of goods to be delivered.	Ditto	When the goods ought to be delivered.
52.—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.
53.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Ditto	When the period of credit expires.
54.—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.
55.—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.

56.—For

(The First Schedule.—First Division.: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—contd.</i>		
56.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Three years	When the work is done.
57.—For money payable for money lent.	Ditto	When the loan is made.
58.—Like suit when the lender has given a cheque for the money.	Ditto	When the cheque is paid.
59.—For money lent under an agreement that it shall be payable on demand.	Ditto	When the loan is made.
60.—For money deposited under an agreement that it shall be payable on demand, including money of a customer in the hands of his banker so payable.	Ditto	When the demand is made.
61.—For money payable to the plaintiff for money paid for the defendant.	Ditto	When the money is paid.

62.—For

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION : SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—contd.</i>		
62.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Three years	When the money is received.
63.—For money payable for interest upon money due from the defendant to the plaintiff.	Ditto	When the interest becomes due.
64.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto	When the accounts are stated in writing signed by the defendant or his agent duly authorized in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.
65.—For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto	When the time specified arrives or the contingency happens.
66.—On a single bond, where a day is specified for payment.	Ditto	The day so specified.
67.—On a single bond, where no such day is specified.	Ditto	The date of executing the bond.

68.—On

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years — contd.</i>		
68.—On a bond subject to a condition.	Three years	When the condition is broken.
69.—On a bill of exchange or promissory note payable at a fixed time after date.	Ditto	When the bill or note falls due.
70.—On a bill of exchange payable at sight, or after sight, but not at a fixed time.	Ditto	When the bill is presented.
71.—On a bill of exchange accepted payable at a particular place.	Ditto	When the bill is presented at that place.
72.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto	When the fixed time expires.
73.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Ditto	The date of the bill or note.
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

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—*contd.*FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—contd.</i>		
75.—On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one or more instalments, the whole shall be due.	Three years . .	When the default is made, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
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 date 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.—By the acceptor of an accommodation-bill against the drawer.	Ditto . .	When the acceptor pays the amount of the bill.
80.—Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Ditto . .	When the bill, note or bond becomes payable.

81.—By

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION : SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—contd.</i>		
81.—By a surety against the principal debtor.	Three years .	When the surety pays the creditor.
82.—By a surety against a co-surety.	Ditto .	When the surety pays anything in excess of his own share.
83.—Upon any other contract to indemnify.	Ditto .	When the plaintiff is actually damnified.
84.—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 date of the termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance.
85.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto .	The close of the year in which the last item admitted or proved is entered in the account ; such year to be computed as in the account.
86.—On a policy of insurance, when the sum assured is payable immediately 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 insurer, whether by or from the plaintiff, or any other person.

87.—By

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
<i>Part VI.—Three years—contd.</i>		
87.—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.
88.—Against a factor for an account.	Ditto . . .	When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.
89.—By a principal against his agent for moveable property received by the latter and not accounted for.	Ditto . . .	Ditto.
90.—Other suits by principals against agents for neglect or misconduct.	Ditto . . .	When the neglect or misconduct becomes known to the plaintiff.
91.—To cancel or set aside an instrument not otherwise provided for.	Ditto . . .	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
92.—To declare the forgery of an instrument issued or registered.	Ditto . . .	When the issue or registration becomes known to the plaintiff.

93.—To

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VI.—Three years—contd.</i>	
93.—To declare the forgery of an instrument attempted to be enforced against the plaintiff.	Three years	The date of the 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.—To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Ditto	When the fraud becomes known to the party wronged.
96.—For relief on the ground of mistake.	Ditto	When the mistake becomes known to the plaintiff.
97.—For money paid upon an existing consideration which afterwards fails.	Ditto	The date of the failure.
98.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss.

99.—For

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
99.—For contribution by a party who has paid the whole or more than his share of the amount due under a joint decree, or by a sharer in a joint estate who has paid the whole or more than his share of the amount of revenue due from himself and his co-sharers.	<i>Part VI.—Three years—contd.</i> Three years	The date of the payment in excess of the plaintiff's own share.
100.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto	When the right to contribution accrues.
101.—For a seaman's wages	Ditto	The end of the voyage during which the wages are earned.
102.—For wages not otherwise expressly provided for by this schedule.	Ditto	When the wages accrue due.
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

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
104.—By a Muhammadan for deferred dower (<i>mu' wajjal</i>).	<i>Part VI.—Three years—contd.</i> Three years	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	When the mortgagor re-enters on the mortgaged property.
106.—For an account and a share of the profits of a dissolved partnership.	Ditto	The date of the dissolution.
107.—By the manager of a joint estate of an undivided family 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 which have been wrongfully received by the defendant.	Ditto	When the profits are received.

*(The First Schedule.—First Division : Suits.)*THE FIRST SCHEDULE—*contd.*FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VI.—Three years—concl'd.</i>	
110.—For arrears of rent .	Three years .	When the arrears become due.
111.—By a vendor of immoveable property for personal payment of 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 payable.
113.—For specific performance of a contract.	Ditto .	The date fixed for the performance, or, if no such date is fixed, when the plaintiff has notice that performance is refused.
114.—For the rescission of a contract.	Ditto .	When the facts entitling the plaintiff to have the contract rescinded first become known to him.
115.—For compensation for the breach of any contract, express or implied, not in writing registered and not herein specially provided for.	Ditto .	When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.

Part VII.—

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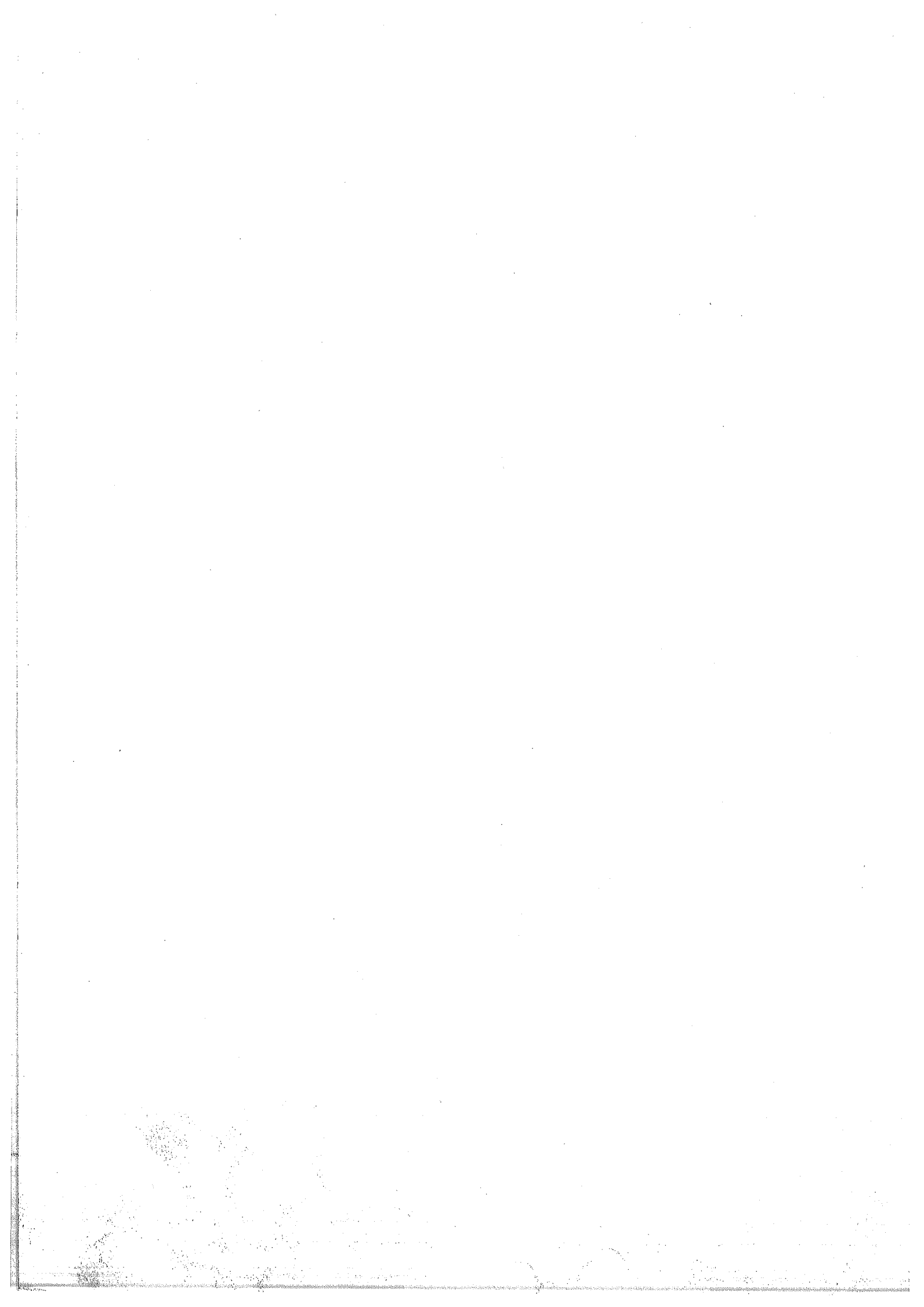
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(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
116.—For compensation for the breach of a contract in writing registered.	<i>Part VII.— Six years.</i>	When the period of limitation would begin to run against a suit brought on a similar contract not registered.
117.—Upon a foreign judgment as defined in the Code of Civil Procedure, 1908.	Ditto . . .	The date of the judgment.
118.—To obtain a declaration that an alleged adoption is invalid, or never, in fact, took place.	Ditto . . .	When the alleged adoption becomes known to the plaintiff.
119.—To obtain a declaration that an adoption is valid.	Ditto . . .	When the rights of the adopted son, as such, are interfered with.
120.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto . . .	When the right to sue accrues.
121.—To avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, or in a patni taluk or other saleable tenure sold for arrears of rent.	<i>Part VIII.— Twelve years.</i>	When the sale becomes final and conclusive.

122.—Upon

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
122.—Upon a judgment obtained in British India, or a recognisance.	<i>Part VIII.— Twelve years— contd.</i> Twelve years .	The date of the judgment or recognisance.
123.—For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate.	Ditto . . .	When the legacy or share becomes payable or deliverable.
124.—For possession of an hereditary office.	Ditto . . .	When the defendant takes possession of the office adversely to the plaintiff.
125.—Suit during the life of a Hindu or Muhammadan female by a Hindu or Muhammadan who, if the female died at the date of instituting the suit, would be entitled to the possession of land, to have an alienation of such land made by the	Ditto . . .	<i>Explanation.—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.</i> The date of the alienation.

female

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part VIII.— Twelve years— contd.</i>	
female declared to be void except for her life or until her re-marriage.		
126.—By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.	Twelve years	When the alienee takes possession of the property.
127.—By a person excluded from joint family property to enforce a right to share therein.	Ditto	When the exclusion becomes known to the plaintiff.
128.—By a Hindu for arrears of maintenance.	Ditto	When the arrears are payable.
129.—By a Hindu for a declaration of his right to maintenance.	Ditto	When the right is denied.
130.—For the resumption or assessment of rent-free land.	Ditto	When the right to resume or assess the land first accrues.
131.—To establish a periodically recurring right.	Ditto	When the plaintiff is first refused the enjoyment of the right.
132.—To enforce payment of money charged upon immoveable property.	Ditto	When the money sued for becomes due.

Explanation.—

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION : SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
<p><i>Explanation.</i>—The allowance and fees respectively called <i>malikana</i> and <i>haqq</i>s shall, for the purpose of this article, be deemed to be money charged upon immoveable property.</p>	<p><i>Part VIII.— Twelve years— contd.</i></p>	
<p>133.—To recover moveable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depository or pawnee for a valuable consideration.</p>	<p>Twelve years</p>	<p>The date of the purchase.</p>
<p>134.—To recover possession of immoveable property conveyed or bequeathed in trust or mortgaged and afterwards transferred by the trustee or mortgagee for a valuable consideration.</p>	<p>Ditto</p>	<p>The date of the transfer.</p>

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION : SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
135.—Suit instituted in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.	<i>Part VIII.— Twelve years— contd.</i> Twelve years	When the mortgagor's right to possession determines.
36.—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 judgment-debtor was out of possession at the date of the sale.	Ditto . . .	When the judgment-debtor is first entitled to possession.
138.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was in possession at the date of the sale.	Ditto . . .	The date when the sale becomes absolute.
139.—By a landlord to recover possession from a tenant.	Ditto . . .	When the tenancy is determined.

140.—By

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
140.—By a remainderman, a reversioner (other than a landlord) or a devisee, for possession of immoveable property.	<i>Part VIII.— Twelve years— concl.</i> Twelve years	When his estate falls into possession.
141.—Like suit by a Hindu or Muhammadan entitled to the possession of immoveable property on the death of a Hindu or Muhammadan female.	Ditto	When the female dies.
142.—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.
143.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Ditto	When the forfeiture is incurred or the condition is broken.
144.—For possession of immoveable property or any interest therein not hereby otherwise specially provided for.	Ditto	When the possession of the defendant becomes adverse to the plaintiff.

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—contd.

Description of suit.	Period of limitation.	Time from which period begins to run.
	<i>Part IX.—Thirty years.</i>	
145.—Against a depository or pawnee to recover moveable property deposited or pawned.	Thirty years	The date of the deposit or pawn.
146.—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.	Ditto	When any part of the principal or interest was last paid on account of the mortgage-debt.
146A.—By or on behalf of any local authority for possession of any public street or road or any part thereof from which it has been dispossessed or of which it has discontinued the possession.	Ditto	The date of the dispossession or discontinuance.
	<i>Part X.—Sixty years.</i>	
147.—By a mortgagee for foreclosure or sale.	Sixty years	When the money secured by the mortgage becomes due.

148.—Against

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—contd.

FIRST DIVISION: SUITS—concl'd.

Description of suit.	Period of limitation.	Time from which period begins to run.
148.—Against a mortgagee to redeem or to recover possession of immoveable property mortgaged.	<p style="text-align: center;"><i>Part X.—Sixty years—contd.</i></p> <p>Sixty years</p>	<p>When the right to redeem or to recover possession accrues:</p> <p>Provided that all claims to redeem arising under instruments of mortgage of immoveable property situate in Lower Burma which had been executed before the first day of May 1863 shall be governed by the rules of limitation in force in that province immediately before the same day.</p>
149.—Any suit by or on behalf of the Secretary of State for India in Council.	Ditto	<p>When the period of limitation would begin to run under this Act against a like suit by a private person.</p>

SECOND DIVISION:

(The First Schedule.—Second Division : Appeals.)

THE FIRST SCHEDULE—contd.

SECOND DIVISION : APPEALS.

Description of appeal.	Period of limitation.	Time from which period begins to run.
150.—Under the Code of Criminal Procedure, 1898, from a sentence of death passed by a Court of Session. V of 1898.	Seven days .	The date of the sentence.
151.—From a decree or order of any of the High Courts of Judicature at Fort William, Madras and Bombay or the Chief Court of the Punjab or the Chief Court of Lower Burma in the exercise of its original jurisdiction.	Twenty days .	The date of the decree or order.
152.—Under the Code of Civil Procedure, 1908, to the Court of a District Judge. V of 1908.	Thirty days .	The date of the decree or order appealed from.
153.—Under the same Code to a High Court from an order of a Subordinate Court refusing leave to appeal to His Majesty in Council.	Ditto .	The date of the order.
154.—Under the Code of Criminal Procedure, 1898, to any Court other than a High Court.	Ditto . . .	The date of the sentence or order appealed from.

155.—Under

(The First Schedule.—Second Division : Appeals.)

THE FIRST SCHEDULE—*contd.*SECOND DIVISION : APPEALS—*contd.*

Description of appeal.	Period of limitation.	Time from which period begins to run.
155.—Under the same Code to a High Court, except in the cases provided for by article 150 and article 157.	Sixty days	The date of the sentence or order appealed from.
156.—Under the Code of Civil Procedure, 1908, to a High Court, except in the cases provided for by article 151 and article 153.	Ninety days	The date of the decree or order appealed from.
157.—Under the Code of Criminal Procedure, 1898, from an order of acquittal.	Six months	The date of the order appealed from.

THIRD DIVISION

(The First Schedule.—Third Division: Applications.)

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION : APPLICATIONS.

Description of application.	Period of limitation.	Time from which period begins to run.
V of 1908. 158.—Under the Code of Civil Procedure, 1908, to set aside an award.	Ten days . . .	When the award is submitted to the Court.
159.—For leave to appear and defend a suit under the summary procedure referred to in section 128 (2) (f) of the same Code.	Ditto . . .	When the summons is served.
160.—For an order under the same Code, to restore to the file an application for review rejected in consequence of the failure of the applicant to appear when the application was called on for hearing.	Fifteen days . . .	When the application for review is rejected.
161.—For a review of judgment by a Provincial Court of Small Causes or by a Court invested with the jurisdiction of a Provincial Court of Small Causes when exercising that jurisdiction.	Ditto . . .	The date of the decree or order.
162.—For a review of judgment by any of the High Courts of Judicature at Fort William, Madras and Bombay or the Chief Court of the Punjab or the Chief Court of Lower Burma in the exercise of its original jurisdiction.	Twenty days . . .	Ditto.

(The First Schedule.—Third Division : Applications.)

THE FIRST SCHEDULE—contd.

THIRD DIVISION : APPLICATIONS—contd.

Description of application.	Period of limitation.	Time from which period begins to run.
163.—By a plaintiff, for an order to set aside a dismissal for default of appearance or for failure to pay costs of service of process or to furnish security for costs.	Thirty days	The date of the dismissal.
164.—By a defendant, for an order to set aside a decree passed <i>ex parte</i> .	Ditto	The date of the decree or, where the summons was not duly served, when the applicant has knowledge of the decree.
165.—Under the Code of Civil Procedure, 1908, by a person dispossessed of immovable property and disputing the right of the decree-holder or purchaser at a sale in execution of a decree to be put into possession.	Ditto	The date of the dispossession.
166.—Under the same Code to set aside a sale in execution of a decree.	Ditto	The date of the sale.
167.—Complaining of resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree.	Ditto	The date of the resistance or obstruction.

V of
1908

168.—For

(The First Schedule.—Third Division : Applications.)

THE FIRST SCHEDULE—*contd.*THIRD DIVISION : APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
168.—For the readmission of an appeal dismissed for want of prosecution.	Thirty days	The date of the dismissal.
169.—For the re-hearing of an appeal heard <i>ex parte</i> .	Ditto	The date of the decree in appeal or, where notice of the appeal was not duly served, when the applicant has knowledge of the decree.
170.—For leave to appeal as a pauper.	Ditto	The date of the decree appealed from.
V of 1908. 171.—Under the Code of Civil Procedure, 1908, for an order to set aside an abatement.	Sixty days	The date of the abatement.
172.—Under the same Code by the assignee or the receiver of an insolvent plaintiff or appellant for an order to set aside the dismissal of a suit or an appeal.	Ditto	The date of the order of dismissal.
173.—For a review of judgment except in the cases provided for by article 161 and article 162.	Ninety days	The date of the decree or order.

174.—For

(The First Schedule.—Third Division: Applications.)

THE FIRST SCHEDULE—contd.

THIRD DIVISION: APPLICATIONS—contd.

Description of application.	Period of limitation.	Time from which period begins to run.
174.—For the issue of a notice under the same Code, to show cause why any payment made out of Court of any money payable under a decree or any adjustment of the decree should not be recorded as certified.	Ninety days	When the payment or adjustment is made.
175.—For payment of the amount of a decree by instalments.	Six months	The date of the decree.
176.—Under the same Code to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.	Ditto	The date of the death of the deceased plaintiff or appellant.
177.—Under the same Code to have the legal representative of a deceased defendant or of a deceased respondent made a party.	Ditto	The date of the death of the deceased defendant or respondent.
178.—Under the same Code for the filing in Court of an award in a suit made in any matter referred to arbitration by order of the Court, or of an award made in any matter referred to arbitration without the intervention of a Court.	Ditto	The date of the award.

(The First Schedule.—Third Division: Applications.)

THE FIRST SCHEDULE—*contd.*THIRD DIVISION: APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
179.—By a person desiring to appeal under the same Code to His Majesty in Council for leave to appeal.	Six months	The date of the decree appealed from.
180.—By a purchaser of immoveable property at a sale in execution of a decree for delivery of possession.	Three years	When the sale becomes absolute.
181.—Applications for which no period of limitation is provided elsewhere in this schedule or by section 48 of the Code of Civil Procedure, 1908.	Ditto	When the right to apply accrues.
182.—For the execution of a decree or order of any Civil Court not provided for by article 183 or by section 48 of the Code of Civil Procedure, 1908.	Three years ; or, where a certified copy of the decree or order has been registered, six years.	<p>1. The date of the decree or order, or</p> <p>2. (where there has been an appeal) the date of the final decree or order of the Appellate Court, or the withdrawal of the appeal, or</p> <p>3. (where there has been a review of judgment) the date of the decision passed on the review, or</p>

V of
1908.

(The First Schedule.—Third Division: Applications.)

THE FIRST SCHEDULE—*contd.*THIRD DIVISION: APPLICATIONS—*contd.*

Description of application:	Period of limitation.	Time from which period begins to run.
<p>182.—For the execution of a decree or order of any Civil Court not provided for by article 183 or by section 48 of the Code of Civil Procedure, 1908— <i>contd.</i></p>	<p>Three years; or, where a certified copy of the decree or order has been registered, six years.</p>	<p>4. (where the decree has been amended) the date of amendment, or</p> <p>5. (where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution, or to take some step in aid of execution of the decree or order, or</p> <p>6. (where the notice next hereinafter mentioned has been issued) the date of issue of notice to the person against whom execution is applied for to show cause why the decree should not be executed against him, when the issue of such a notice is required by the Code of Civil Procedure, 1908, or 190</p> <p>7. (where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date.</p> <p><i>Explanation 1.</i>—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject-matter as payable or deliverable to each, the application mentioned</p>

*(The First Schedule.—Third Division : Applications.)*THE FIRST SCHEDULE—*contd.*THIRD DIVISION : APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
182.—For the execution of a decree or order of any Civil Court not provided for by article 183 or by section 48 of the Code of Civil Procedure, 1908— <i>concl'd.</i>	Three years; or, where a certified copy of the decree or order has been registered, six years.	<p>in clause 5 of this article shall take effect in favour only of such of the said persons or their representatives as it may be made by. But where the decree or order has been passed jointly in favour of more persons than one, such application, if made by any one or more of them, or by his or their representatives, shall take effect in favour of them all.</p> <p>Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject-matter as payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may be made against. But, where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all.</p> <p><i>Explanation II.</i>—“Proper Court” means the Court whose duty it is to execute the decree or order.</p>

(The First Schedule.—Third Division: Applications. The Second Schedule.—Territories referred to in section 31.)

THE FIRST SCHEDULE—concl'd.

THIRD DIVISION: APPLICATIONS—concl'd.

Description of application.	Period of limitation.	Time from which period begins to run.
183.—To enforce a judgment, decree or order of any Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction, or an order of His Majesty in Council.	Twelve years .	When a present right to enforce the judgment, decree or order accrues to some person capable of releasing the right: 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.

THE SECOND SCHEDULE.

TERRITORIES REFERRED TO IN SECTION 31.

(See section 31.)

The Presidency of Fort St. George.

The Presidency of Bombay.

The Sambalpur District of the Bengal Division of the Presidency of Fort William.

The United Provinces of Agra and Oudh.

Burma.

The Central Provinces.

Ajmer-Merwara.

THE THIRD SCHEDULE.

(The Third Schedule.—Enactments repealed.)

THE THIRD SCHEDULE.

ENACTMENTS REPEALED.

(See section 32.)

Year.	No.	Short title.	Extent of repeal.
1877	XV	The Indian Limitation Act, 1877.	The whole.
1877	XVII	The Punjab Courts Act, 1877.	So much as has not been repealed.
1879	XII	The Registration and Limitation Acts Amendment Act, 1879.	In the title the words "and the Limitation Act, 1877", and after section 107, from the words "and whereas" to the end of the Act.
1881	V	The Probate and Administration Act, 1881.	Section 156.
1887	IX	The Provincial Small Cause Courts Act, 1887.	Section 36.
1888	VII	The Civil Procedure Code Amendment Act, 1888.	In the title and in the preamble, the words "and the Indian Limitation Act, 1877", and of section 66, so much as has not been repealed.
1892	VI	The Indian Limitation Act and Civil Procedure Code Amendment Act, 1892.	In the title and in the preamble, the words "the Indian Limitation Act, 1877", and section 1.
1899	X	The Carriers Act, 1899.	Section 3.

(The Third Schedule.—Enactments repealed.)

THE THIRD SCHEDULE—concl'd.

ENACTMENTS REPEALED—concl'd.

(See section 52.)

Year.	No.	Short title.	Extent of repeal.
1900	VI	The Lower Burma Courts Act, 1900.	So much of section 47 and the first schedule as relates to the Indian Limitation Act, 1877.
1900	XI	The Indian Limitation Amendment Act, 1900.	The whole.
1906	IV	The Presidency Small Cause Courts Act, 1906.	Section 5.