

GOVERNMENT OF INDIA
MINISTRY OF LAW



THE
INDIAN LIMITATION ACT, 1908

(9 OF 1908)

(As modified up to the 1st June, 1961)

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GOVERNMENT OF INDIA
LAW (MINISTRY OF.....)

LIST OF AMENDING ACTS AND ADAPTATION ORDERS

1. The Second Repealing and Amending Act, 1914 (17 of 1914).
2. The Repealing and Amending Act, 1919 (18 of 1919).
3. The Indian Limitation and Code of Civil Procedure (Amendment) Act, 1920 (26 of 1920).
4. The Indian Limitation (Amendment) Act, 1922 (10 of 1922).
5. The Repealing and Amending Act, 1923 (11 of 1923).
6. The Criminal Law Amendment Act, 1923 (12 of 1923).
7. The Indian Limitation (Amendment) Act, 1925 (30 of 1925).
8. The Indian Limitation (Amendment) Act, 1927 (1 of 1927).
9. The Indian Limitation (Second Amendment) Act, 1927 (9 of 1927).
10. The Repealing and Amending Act, 1927 (10 of 1927).
11. The Indian Limitation (Amendment) Act, 1929 (1 of 1929).
12. The Transfer of Property (Amendment) Supplementary Act, 1929 (21 of 1929).
13. The Repealing and Amending Act, 1930 (8 of 1930).
14. The Central Provinces Courts (Supplementary) Act, 1935 (8 of 1935).
15. The Government of India (Adaptation of Indian Laws) Order, 1937.
16. The Indian Limitation (Amendment) Act, 1937 (14 of 1937).
17. The Repealing and Amending Act, 1937 (20 of 1937).
18. The Insurance Act, 1938 (4 of 1938).
19. The Repealing and Amending Act, 1939 (34 of 1939).
20. The Arbitration Act, 1940 (10 of 1940).
21. The Berar Laws Act, 1941 (4 of 1941).
22. The Indian Limitation (Amendment) Act, 1942 (16 of 1942).
23. The Criminal Procedure Amendment Act, 1943 (26 of 1943).
24. The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
25. The Criminal Law (Removal of Racial Discriminations) Act, 1949 (17 of 1949).
26. The Adaptation of Laws Order, 1950.
27. The Part B States (Laws) Act, 1951 (3 of 1951).
28. The Code of Criminal Procedure (Amendment) Act, 1955 (26 of 1955) (*w.e.f.* 1st January, 1956).
29. The Adaptation of Laws (No. 2) Order, 1956.

LIST OF ABBREVIATIONS USED

A.O. 1937	.	.	.	for Government of India (Adaptation of Indian Laws) Order, 1937.
A.O. 1948	.	.	.	„ Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
A.O. 1950	.	.	.	„ Adaptation of Laws Order, 1950.
Ins.	.	.	.	„ Inserted.
p.	.	.	.	„ Page.
Pt.	.	.	.	„ Part.
Rep.	.	.	.	„ Repealed.
s.	.	.	.	„ Section.
Sch.	.	.	.	„ Schedule.
Subs.	.	.	.	„ Substituted.
w. e. f.	.	.	.	„ with effect from.

THE INDIAN LIMITATION ACT, 1908

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‘THE INDIAN LIMITATION ACT, 1908

9 OF 1908

[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

1. (1) This Act may be called the Indian Limitation Act, 1908. Short title, extent and commencement.

(2) It extends to the whole of India ²[except the State of Jammu and Kashmir] ; 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.

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

(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 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 ;

¹For Statement of Objects and Reasons, see Gazette of India, 1908, Pt. V, p. 22; for report of Select Committee, see *ibid.*, 1908, Pt. V, p. 223; and for Proceedings in Council, see *ibid.*, 1908, Pt. VI, pp. 2, 13, 37 and 145.

The Act has been declared in force in the Sonthal Parganas by Notification under the Sonthal Parganas Settlement Regulation (3 of 1872), and in the Angul district by the Angul Laws Regulation, 1936 (5 of 1936). Extended to Berar by the Berar Laws Act, 1941 (4 of 1941) and in the Panth Piploda by the Panth Piploda Laws Regulation, 1929 (1 of 1929), s. 2.

²Subs. by Act 3 of 1951, s. 3 and Sch., for “except Part B States”.

(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 any thing growing in, or attached to or subsisting upon, the land of another ;

(6) "foreign country" means any country other than ¹[India, but includes also ²[the State of Jammu and Kashmir]] ;

(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 ;

³[(9A) "India" means the territory of India excluding the State of Jammu and Kashmir ;]

(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

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

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.

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 be 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 ⁴[by or under any enactment] 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.

¹Subs. by the A. O. 1948 for "British India".

²Subs. by Act 3 of 1951, s. 3 and Sch., for "any Part B State".

³Subs. by s. 3 and Sch., *ibid.*, for the former cl. (9A) which was ins. by the A. O. 1950.

⁴Subs. by Act 10 of 1922, s. 2, for "by any enactment or rule".

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.

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. Legal disability.

(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 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 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.

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. Special exceptions.

Illustrations

(a) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accrual. 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 accrual 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 accrual, 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.

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 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.

[For the purposes of this section any property comprised in a Hindu, Muhammadan or Buddhist religious or charitable endowment shall be deemed to be property vested in trust for a specific purpose, and the manager of any such property shall be deemed to be the trustee thereof.]

Suits on foreign contracts.

11. (1) Suits instituted in ²[India] on contracts entered into in a foreign country are subject to the rules of limitation contained in this Act.

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

Exclusion of time in legal proceedings.

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.

¹Ins. by Act 1 of 1929, s. 2. (w. e. f. 1-1-1929).

²Subs. by Act 3 of 1951, s. 3 and, Sch. for "the States".

(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 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.

13. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from 1[India] and from the territories beyond 2[India] under the administration of 3[the Central Government 3***] shall be excluded.

Exclusion of time of defendant's absence from India and certain other territories.

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.

Exclusion of time of proceeding bona fide in Court without jurisdiction.

(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 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.

¹Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

²Subs. by the A.O. 1937 for "the Government".

³The words "or the Crown Representative" omitted by the A.O. 19.

(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.

Exclusion of time during which proceedings to set aside execution-sale are pending.

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.

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 immovable property or of an hereditary office.

Effect of fraud.

18. Where any person having a right to institute a suit or make an application has, by means of fraud, 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, 1 of 1872, oral evidence of its contents shall not be received.

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.—For the purposes of this section, “signed” means signed either personally or by an agent duly authorised 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[(1) Where payment on account of a debt or of interest on a legacy is made before the expiration of the prescribed period by the person liable to pay the debt or legacy, or by his duly authorised agent, a fresh period of limitation shall be computed from the time when the payment was made:]

Effect of payment on account of debt or of interest on legacy.

²[Provided that, save in the case of a payment of interest made before the 1st day of January, 1928, an acknowledgment of the payment appears in the handwriting of, or in a writing signed by, the person making the payment.]

(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 order of Court.

21. (1) The expression “agent duly authorised 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 authorised 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.

³[(3) For the purposes of the said sections—

(a) an acknowledgment signed, or a payment made, in respect of any liability, by, or by the duly authorised agent of, any widow or other limited owner of property who is governed by the Hindu law, shall be a valid acknowledgment or payment, as the case may be, against a reversioner succeeding to such liability; and

¹Subs. by Act 16 of 1942, s. 2, for the substantive part of sub-section (1).

²Subs. by Act 1 of 1927, s. 2, for the original proviso.

³Ins. by s. 3, *ibid.*

(b) where a liability has been incurred by, or on behalf of a Hindu undivided family as such, an acknowledgment or payment made by, or by the duly authorised agent of, the manager of the family for the time being shall be deemed to have been made on behalf of the whole family.]

Effect of substituting or adding new plaintiff or defendant.

22. (1) Where, 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 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

ACQUISITION OF OWNERSHIP BY POSSESSION

Acquisition of right to easements.

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,

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 [the 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 authorising 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 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.

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.

Exclusion in favour of reversioner of servient tenement.

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.

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.

Extinguishment of right to property.

PART V

SAVINGS AND REPEALS

29. ²[(1) Nothing in this Act shall affect section 25 of the Indian Contract Act, 1872.] Savings.

of 1872.

¹Subs. by the A.O. 1937 for "Government".

²Subs. by Act 10 of 1922, s. 3, for the original sub-section (1).

(2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed therefor by the First Schedule, the provisions of section 3 shall apply, as if such period were prescribed therefor in that Schedule, and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law—

(a) the provisions contained in section 4, sections 9 to 18, and section 22 shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law; and

(b) the remaining provisions of this Act shall not apply.]

¹[(3)] Nothing in this Act shall apply to suits under the Indian Divorce Act.

4 of 1869.

¹[(4)] 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. 5 of 1882.

²30. [Provision for States for which the period prescribed is shorter than that prescribed by any law previously in force in a Part B State.]—Rep. by the Adaptation of Laws (No. 2) Order, 1956.

³31. [Provision for suits by certain mortgagees in territories mentioned in the Second Schedule.]—Rep. by the Repealing and Amending Act, 1930 (8 of 1930)], s. 3 and Sch. II.

⁴32. [Repeals.]—Rep. by the Second Repealing and Amending Act, 1914 (17 of 1914), s. 3 and Sch. II.

THE FIRST SCHEDULE

(See section 3)

FIRST DIVISION : SUITS

Description of suit	Period of limitation	Time from which period begins to run
	<i>Part 1.—Thirty days</i>	
1. To contest an award of the Board of Revenue under the Waste Lands (Claims) Act, 1863.	Thirty days	When notice of the award is de vered to he aintiff.

23 of 1863.

¹Original sub-sections (2) and (3) re-numbered as sub-sections (3) and (4) respectively by Act 10 of 1922, s. 3.

²Ins. by Act 3 of 1951, s. 3 and Sch. The original s. 30 was rep. by Act 8 of 1930, s. 3 and Sch.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : S S—*contd.*

Description of suit	Period of limitation	Time from which period begins to run
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 ¹ [India].	<p><i>Part II.—Ninety days</i></p> <p>Ninety days</p>	When the act ² or omission takes place.
3. Under the Specific Relief Act, 1877, section 9, to recover possession of immovable property.	<p><i>Part III.—Six months</i></p> <p>Six months</p>	When the dispossession occurs.
* * *	* * *	* * *
5. Under the summary procedure referred to in section 128 (2)(f) of the Code of Civil Procedure, 1908 ³ [where the provision of such summary procedure does not exclude the ordinary procedure in such suits and under Order XXXVII of the said Code].	<p>⁴[Part IV.—One year]</p> <p>⁴[On ear]</p>	When the debt or liquidated demand becomes payable or when the property becomes recoverable. ⁵
* * *	* * *	* * *
6. Upon a Statute, Act, Regulation or Bye-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 ⁶ ***	⁷ [One year]	When the wages accrue due.
8. For the price of food or drink sold by the keeper of a hotel, tavern or lodging-house.	⁷ [One year]	When the food or drink is delivered.

¹Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".

²Article 4 relating to suits under Employers and Workmen (Disputes) Act, 1860 rep. by Act 20 of 1937, s. 3 and Sch. II.

³Ins. by Act 30 of 1925, s. 2.

⁴Subs. by s. 2, *ibid.*, for the original entry.

⁵The heading "*Part IV.—One year*" omitted by s. 2, *ibid.*

⁶Certain words were omitted by Act 34 of 1939, s. 2 and Sch. I.

⁷Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

of 1877.

5 of 1908.

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

Description of suit	Period of limitation	Time from which period begins to run
9. For the price of lodging	<i>Part IV.—One year.—contd.</i> ¹ [One year]	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.	[One year]	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 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 :	[One year]	The date of the order.
(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;		5 of 1908.
(2) Order under section 28 of the Presidency Small Cause Courts Act, 1882.		15 of 1882.
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 immovable property or by the purchaser of such property sold in 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.	[One year]	The date of the order. 5 of 1908.

¹Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

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

Description of suit	Period of limitation	Time from which period begins to run
<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>(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 style="text-align: center;"><i>Part IV.—One year—contd.</i></p> <p>¹[One year]</p>	<p>When the sale is confirmed, or would otherwise have become final and conclusive, had no such suit been brought.</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>¹[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>¹[One year]</p>	<p>The date of the act or order.</p>
<p>15. Against Government to set aside any attachment, lease or transfer of immoveable property by the revenue-authorities for arrears of Government revenue.</p>	<p>¹[One year]</p>	<p>When the attachment, lease or transfer is made.</p>
<p>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.</p>	<p>¹[One year]</p>	<p>When the payment is made.</p>
<p>17. Against Government for compensation for land acquired for public purposes.</p>	<p>¹[One year]</p>	<p>The date of determining the amount of the compensation.</p>

¹Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

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>	
18. Like suit for compensation when the acquisition is not completed.	¹ [One year]	The date of the refusal to complete.
19. For compensation for false imprisonment.	¹ [One year]	When the imprisonment ends.
20. By executors, administrators or representatives under the Legal Representatives' Suits Act, 1855.	¹ [One year]	The date of the death of the person wronged.
21. By executors, administrators or representatives under the Indian Fatal Accidents Act, 1855.	¹ [One year]	The date of the death of the person killed. 12 of 1855. 13 of 1855.
22. For compensation for any other injury to the person.	¹ [One year]	When the injury is committed.
23. For compensation for a malicious prosecution.	¹ [One year]	When the plaintiff is acquitted, or the prosecution is otherwise terminated.
24. For compensation for libel.	¹ [One year]	When the libel is published.
25. For compensation for slander.	¹ [One year]	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.	¹ [One year]	When the loss occurs.
27. For compensation for inducing a person to break a contract with the plaintiff.	¹ [One year]	The date of the breach.
28. For compensation for an illegal, irregular or excessive distress.	¹ [One year]	The date of the distress.
29. For compensation for wrongful seizure of moveable property under legal process.	¹ [One year]	The date of the seizure.
30. Against a carrier for compensation for losing or injuring goods.	¹ [One year]	When the loss or injury occurs.
31. Against a carrier for compensation for non-delivery of, or delay in delivering, goods.	¹ [One year]	When the goods ought to be delivered.

¹Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

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

Description of suit	Period of limitation	Time from which period begins to run
<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.
12 of 1855.	33. Under the Legal Representatives' Suits Act, 1855, against an executor.	¹ [Two years]
34. Under the same Act against an administrator.	¹ [Two years]	When the wrong complained of is done. Ditto.
35. Under the same Act against any other representative.	¹ [Two years]	Ditto.
36. For compensation for any malfeasance, misfeasance or nonfeasance independent of contract and not herein specially provided for.	¹ [Two years]	When the malfeasance, misfeasance or nonfeasance takes place.
<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.	¹ [Three years]	The date of the diversion.
39. For compensation for trespass upon immoveable property.	¹ [Three years]	The date of the trespass.
40. For compensation for infringing copyright or any other exclusive privilege.	¹ [Three years]	The date of the infringement.
41. To restrain waste	¹ [Three years]	When the waste begins.
42. For compensation for injury caused by an injunction wrongfully obtained.	¹ [Three years]	When the injunction ceases.
39 of 1925.	43. Under the ² [Indian Succession Act, 1925, section 360 or section 361], to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	¹ [Three years]
		The date of the payment or distribution.

¹Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.²Subs. by Act 8 of 1930, s. 2 and Sch. I, for certain words.

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.	1[Three years]	When the ward attains majority.
45. To contest an award under any of the following Regulations of the Bengal Code:—	1[Three years]	The date of the final award or order in the case.
The Bengal Land-revenue Settlement Regulation, 1822.		Ben. Reg. 7 of 1822.
The Bengal Land-revenue Settlement Regulation, 1825.		Ben. Reg. 9 of 1825.
The Bengal Land-revenue (Settlement and Deputy Collectors) Regulation, 1833.		Ben. Reg. 9 of 1833.
46. By a party bound by such award to recover any property comprised therein.	1[Three years]	The date of the final award or order in the case.
47. By any person bound by an order respecting the possession of immovable property made under the Code of Criminal Procedure, 1898, or the Mamltdars' Courts Act, 1906, or by any one claiming under such person, to recover the property comprised in such order.	1[Three years]	The date of the final order in the case.
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.	1[Three years]	When the person having the right to the possession of the property first learns in whose possession it is.
48A. 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.	Three years	When the sale becomes known to the plaintiff.

¹Subs. by Act 11 of 1923, s. 2 and Sch. I for the original entry.²Articles 48A and 48B ins. by Act 1 of 1929, s. 3 (w.e.f. 1-1-1929).

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>		
48B. To set aside sale of moveable property comprised in a Hindu, Muhammadan or Buddhist religious or charitable endowment, made by a manager thereof for a valuable consideration.	Three years	When the sale becomes known to the plaintiff.]
49. For other specific moveable property, or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	¹ [Three years]	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.
50. For the hire of animals, vehicles, boats or household furniture.	¹ [Three years]	When the hire becomes payable.
51. For the balance of money advanced in payment of goods to be delivered.	¹ [Three years]	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.	¹ [Three years]	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.	¹ [Three years]	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.	¹ [Three years]	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.	¹ [Three years]	The date of the sale.
56. For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	¹ [Three years]	When the work is done.
57. For money payable for money lent.	¹ [Three years]	When the loan is made.

¹Subs. by Act II of 1923, s. 2 and Sch. I, for the original entry.

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>		
58. Like suit when the lender has given a cheque for the money.	1[Three years]	When the cheque is paid.
59. For money lent under an agreement that it shall be payable on demand.	1[Three years]	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.	1[Three years]	When the demand is made.
61. For money payable to the plaintiff for money paid for the defendant.	1[Three years]	When the money is paid.
62. For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	1[Three years]	When the money is received.
63. For money payable for interest upon money due from the defendant to the plaintiff.	1[Three years]	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.	1[Three years]	When the accounts are stated in writing signed by the defendant or his agent duly authorised 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.	1[Three years]	When the time specified arrives or the contingency happens.
66. On a single bond, where a day is specified for payment.	1[Three years]	The day so specified.
67. On a single bond, where no such day is specified.	1[Three years]	The date of executing the bond.
68. On a bond subject to a condition.	1[Three years]	When the condition is broken.

1Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

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>		
69. On a bill of exchange or promissory note payable at a fixed time after date.	1[Three years]	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.	1[Three years]	When the bill is presented.
71. On a bill of exchange accepted payable at a particular place.	1[Three years]	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.	1[Three years]	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.	1[Three years]	The date of the bill or note.
74. On a promissory note or bond payable by instalments.	1[Three years]	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 or more instalments, the whole shall be due.	1[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.	1[Three years]	The date of the delivery to the payee.
77. On a dishonoured foreign bill, where protest has been made and notice given.	1[Three years]	When the notice is given.
78. By the payee against the drawer of a bill of exchange, which has been dishonoured by non-acceptance.	1[Three years]	The date of the refusal to accept.

¹Subs. by Act II of 1923, s. 2 and Sch. I, for the original entry.

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>		
79. By the acceptor of an accommodation-bill against the drawer.	1[Three years]	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.	1[Three years]	When the bill, note or bond becomes payable.
81. By a surety against the principal debtor.	1[Three years]	When the surety pays the creditor.
82. By a surety against a co-surety.	1[Three years]	When the surety pays anything in excess of his own share.
83. Upon any other contract to indemnify.	1[Three years]	When the plaintiff is actually indemnified.
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.	1[Three years]	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.	1[Three years]	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. ¹ (a) On a policy of insurance when the sum insured is payable after proof of the death has been given to or received by the insurers.	1[Three years]	² (a) The date of the death of the deceased.
(b) On a policy of insurance when the sum insured is payable, after proof of the loss has been given to or received by the insurers].		(b) The date of the occurrence causing the loss.]
87. By the assured to recover premia paid under a policy voidable at the election of the insurers.	1[Three years]	When the insurers elect to avoid the policy.
88. Against a factor for an account.	[Three years]	When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.

¹Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.²Subs. by Act 13 of 1941, s. 68, amending Act 4 of 1938, s. 122, for the original entry

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>	
89. By a principal against his agent for moveable property received by the latter and not accounted for.	1[Three years]	When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.
90. Other suits by principals against agents for neglect or misconduct.	1[Three years]	When the neglect or misconduct becomes known to the plaintiff.
91. To cancel or set aside an instrument not otherwise provided for.	1[Three years]	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.	1[Three years]	When the issue or registration becomes known to the plaintiff.
93. To declare the forgery of an instrument attempted to be enforced against the plaintiff.	1[Three years]	The date of the attempt.
94. For property which the plaintiff has conveyed while insane.	1[Three years]	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.	1[Three years]	When the fraud becomes known to the party wronged.
96. For relief on the ground of mistake.	1[Three years]	When the mistake becomes known to the plaintiff.
97. For money paid upon an existing consideration which afterwards fails.	1[Three years]	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.	1[Three years]	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss.
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.	1[Three years]	The date of the payment in excess of the plaintiff's own share.

1Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

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> — <i>contd.</i>	
100. By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	¹ [Three years]	When the right to contribution accrues.
101. For a seaman's wages	¹ [Three years]	The end of the voyage during which the wages are earned.
102. For wages not otherwise expressly provided for by this schedule.	¹ [Three years]	When the wages accrue due.
103. By a Muhammadan, for exigible dower (<i>m 'ajjal</i>).	¹ [Three years]	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>).	¹ [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.	¹ [Three years]	When the mortgagor re-enters on the mortgaged property.
106. For an account and a share of the profits of a dissolved partnership.	¹ [Three years]	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.	¹ [Three years]	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.	¹ [Three years]	When the trees are cut down.
109. For the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant.	¹ [Three years]	When the profits are received.
110. For arrears of rent	¹ [Three years]	When the arrears become due.
111. By a vendor of immovable property for personal payment of unpaid purchase-money.	¹ [Three years]	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.

¹Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

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.</i>		
112. For a call by a company registered under any Statute or Act.	1[Three years]	When the call is payable.
113. For specific performance of a contract.	1[Three years]	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.	1[Three years]	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.	1[Three years]	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.
<i>Part VII.—Six years</i>		
116. For compensation for the breach of a contract in writing registered.	Six years	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.	1[Six years]	The date of the judgment.
118. To obtain a declaration, that an alleged adoption is invalid, or never, in fact, took place.	1[Six years]	When the alleged adoption becomes known to the plaintiff.
119. To obtain a declaration that an adoption is valid.	1[Six years]	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.	1[Six years]	When the right to sue accrues.
<i>Part VIII.—Twelve years</i>		
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.	Twelve years	When the sale becomes final and conclusive.

¹Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

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 ¹ [India], or a recognisance.	<i>Part VIII.—Twelve years—contd.</i> ² [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.	² [Twelve years]	When the legacy or share becomes payable or deliverable.
124. For possession of an hereditary office.	² [Twelve years]	When the defendant takes 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.
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 female declared to be void except for her life or until her re-marriage.	² [Twelve years]	The date of the alienation.
126. By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.	² [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.	² [Twelve years]	When the exclusion becomes known to the plaintiff.
128. By a Hindu for arrears of maintenance.	² [Twelve years]	When the arrears are payable.
129. By a Hindu for a declaration of his right to maintenance.	² [Twelve years]	When the right is denied.
130. For the resumption or assessment of rent-free land.	² [Twelve years]	When the right to resume or assess the land first accrues.
131. To establish a periodically recurring right.	² [Twelve years]	When the plaintiff is first refused the enjoyment of the right.

¹Subs. by Act 3 of 1951, s. 3 and Sch., for "the States".²Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

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>		
<p>132. To enforce payment of money charged upon immoveable property.</p> <p>⁴[<i>Explanation.</i>—For the purposes of this article—</p> <p>(a) the allowance and fees respectively called <i>malikana</i> and <i>haqq</i>s, and</p> <p>(b) the value of any agricultural or other produce the right to receive which is secured by a charge upon immoveable property,⁵[and</p> <p>(c) advances secured by mortgage by deposit of title-deeds], shall be deemed to be money charged upon immoveable property.]</p> <p style="text-align: center;">* * *</p>	<p>³[Twelve years]</p>	<p>When the money sued for becomes due.</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>³[Twelve years]</p>	<p>⁵[When the transfer becomes known to the plaintiff.]</p>
<p>⁴[134A. To set aside a transfer of immoveable property comprised in a Hindu, Muhammadan or Buddhist religious or charitable endowment, made by a manager thereof for a valuable consideration.</p>	<p>Twelve years</p>	<p>When the transfer becomes known to the plaintiff.</p>
<p>134B. By the manager of a Hindu, Muhammadan or Buddhist religious or charitable endowment to recover possession of immoveable property comprised in the endowment which has been transferred by a previous manager for a valuable consideration.</p>	<p>Twelve years</p>	<p>The death, resignation or removal of the transferor.</p>

¹Subs. by Act I of 1927, s. 4, for the original *Explanation*.

²Ins. by Act 21 of 1929, s. 9 (w.e.f. 1-4-1930).

³Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

⁴Article 133 omitted by Act I of 1929, s. 3 (w.e.f. 1-1-1929).

⁵Subs. by s. 3, *ibid.*, for "The date of the transfer".

⁶Ins. by s. 3, *ibid.*

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>		
134C. By the manager of a Hindu, Muhammadan or Buddhist religious or charitable endowment to recover possession of moveable property comprised in the endowment which has been sold by a previous manager for a valuable consideration.	Twelve years	The death, resignation or removal of the seller.
135. Suit instituted in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.	1[¹ Twelve years]	When the mortgagor's right to possession determines.
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.	1[¹ Twelve years]	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.	1[¹ Twelve years]	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.	1[¹ Twelve years]	The date when the sale becomes absolute.
139. By a landlord to recover possession from a tenant.	1[¹ Twelve years]	When the tenancy is determined.
140. By a remainderman, a reversioner (other than a landlord) or a devisee, for possession of immoveable property.	1[¹ 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.	1[¹ Twelve years]	When the female dies.

¹Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

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—concl'd.</i>		
142. For possession of immoveable property when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	1[Twelve years]	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.	1[Twelve years]	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.	1[Twelve years]	When the possession of the defendant becomes adverse to the plaintiff.
<i>Part IX.—Thirty years</i>		
145. Against a depositary 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.	1[Thirty years]	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.	1[Thirty years]	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.

¹Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

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

Description of suit	Period of limitation	Time from which period begins to run
	<i>Part X.—Sixty years—contd.</i>	
148. Against a mortgagee to redeem or to recover possession of immovable property mortgaged.	¹ [Sixty years]	When the right to redeem or to recover possession accrues: Provided that all claims to redeem arising under instruments of mortgage of immovable 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 State immediately before the same day.
149. Any suit by or on behalf of **** ³ [**** the Central Government or any State Government] ⁴ [except a suit before the ⁵ [Supreme Court], in the exercise of its original jurisdiction].	⁴ [Sixty years]	When the period of limitation would begin to run under this Act against a like suit by a private person.

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 ⁷ [or by a High Court in the exercise of its original criminal jurisdiction]. ** * * *	Seven days . . .	The date of the sentence. § of 1898.
151. From a decree or order of any of the High Courts of Judicature at Fort William, ⁸ [Madras, ¹⁰ and Bombay, or of the High Court of Punjab] in the exercise of its original jurisdiction.	Twenty days . . .	The date of the decree or order.

¹Subs. by Act 11 of 1923, s. 2 and Schedule I, for the original entry.

²The words "the Secretary of State for India in Council" omitted by the A.O. 1948.

³Ins. by the A.O. 1937.

⁴The words "the Secretary of State, the Crown Representative", omitted by the A.O. 1948.

⁵Ins. by Act 14 of 1937, s. 2.

⁶Subs. by the A.O. 1950, for "Federal Court".

⁷Ins. by Act 26 of 1943, s. 8.

⁸Item 150 A ins. by Act 12 of 1923, s. 42, omitted by Act 17 of 1949, s. 6. (w.e.f. 6-4-1949).

⁹Subs. by Act 8 of 1930, s. 2 and Sch. I, for "Madras and Bombay or the Chief Court of the Punjab or the Chief Court of Lower Burma".

¹⁰Subs. by the A.O. 1948 for "Bombay and Lahore".

THE FIRST SCHEDULE—contd.

SECOND DIVISION : APPEALS—contd.

	Description of appeal	Period of limitation	Time from which period begins to run
of 1908.	152. Under the Code of Civil Procedure, 1908, to the Court of a District Judge.	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 [the Supreme Court].	¹ [Thirty days] . . .	The date of the order.
of 1898.	154. Under the Code of Criminal Procedure, 1898, to any Court other than a High Court.	² [Thirty days] . . .	The date of the sentence or order appealed from.
	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.
of 1908.	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.
of 1898.	157. Under the Code of Criminal Procedure, 1898, from an order of acquittal.	³ [Three months] . . .	The date of the order appealed from.

THIRD DIVISION : APPLICATIONS

	Description of application	Period of limitation	Time from which period begins to run
of 1940.	¹ [158. Under the Arbitration Act, 1940 to set aside an award or to get an award remitted for reconsideration.	Thirty days . . .	The date of service of the notice of filing of the award.]
of 1908.	159. For leave to appear and defend a suit under the summary procedure referred to in section 128 (2)(f) [or under Order XXXVII] of the [Code of Civil Procedure, 1908].	² [Ten days] . . .	When the summons is served.

¹Subs. by the A.O. 1950, for "His Majesty in Council".

²Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.

³Subs. by Act 26 of 1955, s. 117 and Sch. as amended by Act 36 of 1957, s. 3 and Sch. II, for the original entry. (w. e. f. 1-1-1956).

⁴Subs. by Act 10 of 1940, s. 49 and Sch. IV, for the former Article (w.e.f. 1-7-1940).

⁵Ins. by Act 30 of 1925, s. 3.

⁶Subs. by Act 10 of 1940, s. 49 and Sch. IV, for "same Code" (w.e.f. 1-7-1940).

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

Description of application	Period of limitation	Time from which period begins to run
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 ¹ *** Court of Small Causes [(other than a Presidency Small Cause Court)] or by a Court invested with the jurisdiction of a ¹ *** Court of Small Causes when exercising that jurisdiction.	*[Fifteen days]	The date of the decree or order.
162. For a review of judgment by any of ² [the following Courts, namely,] ³ [the High Courts at Calcutta and Madras and the High Courts of Bombay, Madhya Pradesh and Punjab] in the exercise of its original jurisdiction.	Twenty days . . .	The date of the decree or order.
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> .	*[Thirty days]	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.	*[Thirty days]	The date of the dispossession.

5 of 1908.

¹The word "Provincial" omitted by Act 4 of 1941, s. 2 and Sch. III.²Ins. by s. 2 and Sch. III, *ibid*.³Subs. by Act 11 of 1923, s. 2 and Sch. I, for the original entry.⁴Ins. by Act 10 of 1927, s. 2 and Sch. I.⁵Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "the High Courts of Judicature at Fort William, Madras, Bombay and Nagpur, and the High Court of Punjab".