

LIMITATION ACT

PRELIMINARY

- **Bombay Dyeing and Manufacturing Co. v. State of Bombay, AIR 1958 SC 328**

Supreme Court held that limitation bars the remedy and does not extinguish the right.

- **Narne Rama Murthy v. Ravula Somasundaram, (2005) 6 SCC 614**

It was held by Supreme Court that if it becomes apparent that the suit is barred by limitation, then it is the duty of the court to decide the question of limitation even if it is not taken up in pleadings.

- **A.S.K. Krishnappa Chettiar v. K.S.V.V. Somiah, AIR 1964 SC 227**

The Limitation Act is a consolidating and amending statute relating to the limitation of suits, appeals and applications, therefore, it must be regarded as an exhaustive code. They cannot be extended by analogy or reference to the proceedings to which they do not expressly apply. Courts are not permitted to travel beyond its provisions to add or to supplement them.

LIMITATION OF SUITS, APPEALS & APPLICATION

- **V.M. Salgaocar and Bros. v. Board of Trustees of Port of Mormugao, (2005) 4 SCC 613**

It was held by Supreme Court that even if the defendant does not raise the plea of limitation and it appears to the court that the suit is ex facie barred by limitation then the court must dismiss it.

- **Ram Lal v. Rewa Coalfields Ltd., AIR 1962 SC 361**

It is unreasonable to call upon the party to explain the delay in its conduct during the whole of the prescribed period. The party has to show why he did not file an appeal on the last day of the limitation prescribed and till the day actual application is filed.

Even if the sufficient cause is shown the party is not entitled to the condonation of delay as a matter of right.

COMPUTATION OF PERIOD OF LIMITATION

- **Madhavrao N. Patwardhan v. Ram Krishna, AIR 1958 SC 767**

Supreme Court held that following conditions are to be satisfied for invoking Section 14:

- The previous suit or application must be prosecuted with good faith and due diligence;

- The matter in issue of in the previous suit or application and the new suit is the same
- The court was unable to entertain the suit or application because of defect of jurisdiction .
- **Deena (Dead) through LRs v. Bharat Singh (Dead) through LRS, AIR 2002 SC 2768**

Following conditions should be met before application of Section 14:

1. Both the prior and subsequent proceedings should be civil and by the same parties;
2. Prior proceedings have been prosecuted with due diligence and good faith;
3. Failure of prior proceedings was due to defect of jurisdiction or other causes of like nature;
4. Earlier proceedings and later proceedings must relate to the same matter in issue; and
5. Both the proceedings are in court.

The words 'other causes of like nature' must be construed ejusdem generis with the words 'defect of jurisdiction', i.e., defect must be such that it is impossible for the court to entertain the suit or application and to decide on merits.

ACQUISITION OF OWNERSHIP BY POSSESSION

- **Ravinder Kaur Grewal v. Manjit Kaur, (2019) 8 SCC 729**

Supreme Court held that any person who has perfected title by way of adverse possession, can file a suit for restoration of possession in case of dispossession. The court held that plea of acquisition of title by adverse possession can be taken by plaintiff under Article 65 of the Limitation Act and there is no bar under the Limitation Act, 1963 to sue on aforesaid basis in case of infringement of any rights of a plaintiff