

* Law of limitation bars the remedy in a court of law only when - period of limitation expires - but it does not extinguish the right that it cannot be enforced by judicial process
(Bombay Dyeing & Mfg Co Ltd v. State of Bombay)

- limitation act - writs X
- i.e. article 32 & 226 of constitution - limitation X
- However, **Remedy of writ = Remedy of ordinary suit**
- ordinary suit remedy - Bar of limitation ✓ → Court → writ petition - limitation ✓

Section 18:
Effect of Acknowledgement on period of limitation

- Acknowledgment ✓
- in respect of property or right
- before expiry of period of limitation
- writing & signed

✓ → then **FRESH PERIOD OF LIMITATION** shall be computed - date of act signed.

- 30 years - mortgage - est & s
- 12 years - immovable prop, trust, endowments
- 3 years - accounts, contracts, movable prop, declaratory suit
- 1-3 yrs - tort + other miscellaneous matter
- 90-10 days - Summary procedure, appeal under death, pauper

Classification of period of limitation

Bar of (Sec 3) limitation

- Any suit, appeal, application → made beyond the prescribed period of limitation → duty of court → not proceed with such suits
- In respect of fact → whether plea of limitation has been setup in reference/not.
- **Date of presentation of plaint** → to be considered for deciding if suit is barred or not

Limitation of writs under constitution

LAW OF LIMITATION
(act extends - India)

Extension (Sec 5)

↳ quasi-judicial tribunal, labour court, executive authorities X

if prescribed period X → party can apply for → condonation of delay → party to provide → **sufficient cause** for delay to court

Court discretion → to extend or not → **Court discretion** → judicially ✓, arbitrarily X

Following eg of sufficient causes:-

- Wrong practice of High court - appeal X
- Bond fide mistake of counsel
- Wrong advice given by advocate
- Mistake of law
- Imprisonment or serious illness
- time taken for obtaining certified copies
- Ailment of father
- **Non-availability of file - X** - sufficient cause X

Continuous running of time (Sec 9)

Persons under legal disability (Sec 6, 7, 8)

- Once time began to run → no subsequent disability/liability → to institute a suit/application → can stop it
- Suits + applications ✓ Appeal X
- Time runs - when - cause of action accrues

Section 6 -

Enables a person under legal disability - to exercise their rights - within a certain time

Section 8

That time is 3 years from date of cessation of disability

Section 7

if group of people disabled - depends - without disabled person can file - time ✓ (3 yrs X) if disabled people need - 3 years ✓