



# Limitation Act 1963 And Its Objectives

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## ABSTRACT

The Limitation Act of 1963 is a critical piece of legislation in India that establishes time limits within which legal actions must be initiated. It aims to provide certainty and promptness in the resolution of disputes, thus promoting the efficient administration of justice.

## INTRODUCTION

The Limitation Act and the Code of Civil Procedure (CPC) are two instrumental laws in the realm of civil litigation. The Limitation Act prescribes the time frame within which legal action must be initiated, while the CPC sets the procedural framework for civil suits. This practice note elucidates their interplay and serves as a comprehensive guide for legal practitioner. The word limitation itself says the meaning. The word limitation in its literal term means a restriction or the rule or circumstances which are limited. The law of limitation has been prescribed as the time limit which is given for different suits to the aggrieved person within which they can approach the court for redress or justice...

The word limitation in its literal term means a restriction or the rule or circumstances which are limited. The law of limitation has been prescribed as the time limit which is given for different suits & proceedings to the aggrieved person within which they can approach the court for redress or justice. The basic concept of limitation is relating to fixing or prescribing of the time period for barring legal actions.

## DEFINITION

According to Section 2 (j) of the Limitation Act, 1963, 'period of limitation' means the period of limitation prescribed for any suit, appeal or application by the Schedule, and 'prescribed period' means the period of limitation computed in accordance with the provisions of this Act.

According to Halsbury's Laws of England, the Main Objects of the Law of Limitations are as follows:

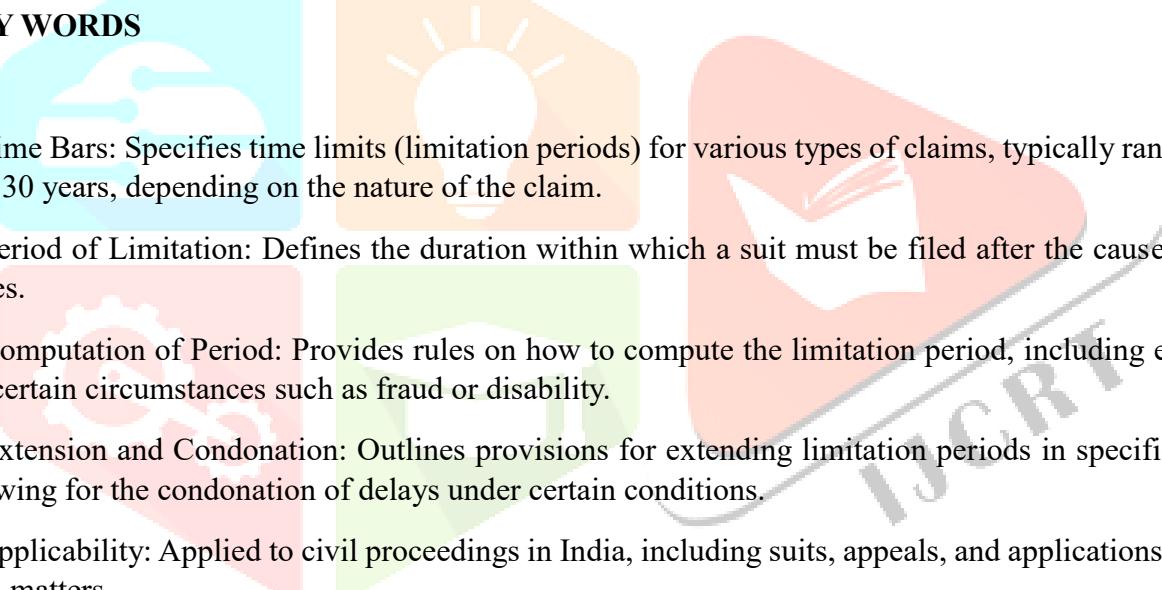
- Long dormant claim has more of cruelty than justice in them.
- A defendant might have lost the evidence to dispute the State claim. • A person with only good cause of actions should pursue them with.
- There are two major considerations on which the Doctrine of Limitation and Prescription are based on

firstly, the rights which are not exercised for a long time are said to be as non-existent and

secondly, the rights which are related to property and rights which are in general should not be in a state of constant uncertainty, doubt and suspense.

The main object to limit any legal action is to give effect to the maxim ‘interest reipublicae ut finis litium’, which means that in the interest of the State is required that there should be a limit to litigation and also to prevent any kind of disturbance or deprivation of what may have been acquired in equity and justice or by way of long enjoyment or what may have been lost by a party’s own inaction, negligence or leaches (acquiescence). The intention in accepting the concept of limitation is that “controversies are restricted to a fixed period of time, lest they should become immortal while men are mortal.” This statutory restriction after a certain period of time gives a status to enforce an existing right. Simply, it neither creates any right in favour of any person nor does it define or create any cause of action against the particular person but it prescribes about the remedy. These remedy can be exercised only up to a certain period of time and not subsequently. The main object of the statute of the Limitation Act, 1963 is more over of a preventive kind and not to impose a statutory bar after a certain period of time and it gives a quietus to all the suit matters to enforce an existing right. The major purpose of the statute of the Limitation Act, 1963 is not to destroy or infringe the rights of an aggrieved person but to serve public in a better way and to save time. This statute is basically based on public policy for fixing a life span for the legal remedy which may be taken and to seek remedy in time with the purpose of general welfare. The object of providing a legal remedy is to repair the damage which is caused by reason of legal injury.

## KEY WORDS



1. Time Bars: Specifies time limits (limitation periods) for various types of claims, typically ranging from 1 to 30 years, depending on the nature of the claim.
2. Period of Limitation: Defines the duration within which a suit must be filed after the cause of action arises.
3. Computation of Period: Provides rules on how to compute the limitation period, including exclusions for certain circumstances such as fraud or disability.
4. Extension and Condonation: Outlines provisions for extending limitation periods in specific cases or allowing for the condonation of delays under certain conditions.
5. Applicability: Applied to civil proceedings in India, including suits, appeals, and applications related to civil matters.
6. Exceptions: Lists specific cases where limitation does not apply or where special rules are provided (e.g., certain claims against the government).

### Key aims:

- 1) To consolidate existing limitation rules.
- 2) To introduce flexibility and discretion for the judiciary in addressing justice issues.

### Objectives of the Limitation Act, 1963

1. Promote Judicial Efficiency: By setting time limits for filing suits, the Act discourages unnecessary delays in litigation, ensuring that disputes are resolved in a timely manner.
2. Encourage Litigants to Act Promptly: The Act encourages individuals to pursue their legal rights without undue delay, ensuring that evidence remains fresh and available.

3. Prevent Injustice: Limiting the time for bringing claims helps prevent stale claims that can be difficult to defend. It protects defendants from facing prolonged uncertainty regarding their legal affairs.

4. Certainty and Finality: The Act brings a sense of certainty to legal proceedings and promotes finality in judgments, which is essential for the stability of relationships and social order.

5. Judicial Economy: By filtering out claims that are filed after the expiry of the limitation period, the Act conserves judicial resources for pressing matters that need resolution.

6. Certainty and Stability: To ascertain that legal rights and liabilities are not left uncertain indefinitely.

7. Avoiding Stale Claims: To prevent the assertion of stale claims and the potential for falsified evidence.

8. Legal Economy: To foster expediency in the resolution of disputes.

### Key Provisions of the Limitation Act, 1963

- Period of Limitation: The Act specifies different periods of limitation for various types of civil suits, appeals, and applications. For instance, the limitation period for a suit for recovery of money is generally three years.

- Computation of Period: The Act outlines how the limitation period is calculated, detailing when the period begins and ends, while allowing for certain circumstances (like the death of a party or legal incapacity) to affect the computation.

- Extensions and Exceptions: The Act provides provisions for condonation of delays in certain circumstances. Section 5 allows courts to extend the limitation period in cases where a party can show sufficient cause for the delay.

- Bar of Limitation: Section 3 of the Act mandates that all suits and applications that are filed after the expiration of the limitation period shall be dismissed.

### LEGAL MAXIMS UNDERPINNING THE ACT

- **“Interest reipublicae ut sit finis litium”**: It is in the state's interest that there be an end to litigation.
- **“Vigilantibus non dormientibus jura subveniunt”**: The law assists those who are vigilant with their rights, not those who neglect them.

## IMPORTANT SECTIONS AND THEIR IMPLICATIONS

- **Section 3:** Mandates that every suit filed after the prescribed period shall be dismissed, emphasizing the mandatory nature of limitation periods.
- **Section 5:** Allows extension of the prescribed period in certain cases if the appellant or applicant can demonstrate “**sufficient cause**” for the delay.
- **Section 6:** Provides for the extension of the limitation period in cases where the person entitled to sue is under a legal disability, such as **minority** or **insanity**.
- **Section 14:** Permits exclusion of time spent in **bona fide litigation** in a court without jurisdiction when computing the limitation period.
- **Section 18:** Specifies that an **acknowledgment of liability in writing** before the expiration of the prescribed period resets the limitation clock

## Significance in India's Legal Framework

The **CPC** and **Limitation Act** play crucial roles in India's legal system by:

- **Ensuring Procedural Justice:**
  - These acts provide a structured framework for civil litigation, guaranteeing that all parties receive fair treatment and opportunities to present their cases.
- **Promoting Timely Justice:**
  - By establishing clear limitation periods, they encourage prompt legal action, ensuring that evidence remains fresh and disputes are resolved efficiently.
- **Facilitating Access to Justice:**
  - Provisions for condoning delays allow individuals facing challenges to pursue legitimate claims, ensuring that technicalities do not hinder access to justice.
- **Enhancing Judicial Efficiency:**
  - A well-defined procedural code reduces ambiguity, streamlining court processes and enabling judges to manage cases more effectively.
- **Fostering Legal Certainty:**
  - By clarifying timelines and procedures, these acts create a predictable legal environment, allowing individuals and businesses to plan their affairs confidently.

## Conclusion

The Limitation Act, 1963, plays a vital role in ensuring that the civil justice system in India functions effectively by imposing necessary timelines on legal actions. It not only provides clarity and certainty to litigants but also safeguards the interests of both plaintiffs and defendants. Its relationship with the CPC further reinforces the foundation for orderly and timely legal processes. Understanding the nuances of the Limitation Act is crucial for legal practitioners in navigating the complexities of civil litigation.

## References

- Limitation Act, 1963
- Code of Civil Procedure, 1908 (as amended)
- Judicial pronouncements interpreting the Limitation Act and CPC

This report showcases the importance of the Limitation Act within the realm of civil procedure, emphasizing its goals of promoting efficiency, certainty, and justice in legal proceedings.

