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Effect Of Limitation Act On Cheque Bounce And Negotiable Instruments Act Cases

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Abstract

The Negotiable Instruments Act, 1881, and the Limitation Act, 1963, are two crucial legislations governing cheque bounce cases in India. This paper explores the interplay between these two Acts, focusing on the limitation period for filing complaints under Section 138 of the Negotiable Instruments Act. The research aims to provide insights into the legal framework and recent judicial developments, ensuring a comprehensive understanding of the subject matter.

Introduction

Cheque bounce cases have become a significant concern in India, affecting the credibility of financial transactions. The Negotiable Instruments Act, 1881, provides a framework for dealing with cheque bounce cases, while the Limitation Act, 1963, prescribes the time limit for filing complaints. The limitation period for filing a complaint under Section 138 of the Negotiable Instruments Act is a critical aspect, as it determines the admissibility of the case.

Limitation Period under Section 138

According to Section 138(b) of the Negotiable Instruments Act, the payee must give a written notice to the drawer of the cheque within 30 days of receiving information from the bank regarding the dishonour. The Karnataka High Court has clarified that the day the bank informs the cheque holder about the dishonour of the cheque must be excluded while calculating the 30-day limitation period for issuing a demand notice to the drawer ¹.

Recent Judicial Developments

In a recent judgment, the Karnataka High Court held that the notice served within the valid time frame is crucial for determining the limitation period. The court emphasized that the limitation period is to be calculated by excluding the date on which the cause of action arises ¹. This ruling highlights the importance of understanding the limitation period in cheque bounce cases.

Effect of Limitation Act on Cheque Bounce Cases

The Limitation Act, 1963, prescribes the time limit for filing various types of cases, including cheque bounce cases. The Act provides a framework for calculating the limitation period, which is crucial in determining the admissibility of a case. In cheque bounce cases, the limitation period is calculated from the date of receipt of information from the bank regarding the dishonour of the cheque.

Recommendations

1. Clarification on Limitation Period: The judiciary should provide clear guidelines on calculating the limitation period to avoid confusion.
2. Awareness: Banks and financial institutions should educate customers about the importance of maintaining sufficient funds in their accounts to avoid cheque bounce cases.

References

1. Karnataka High Court Clarifies Limitation Period in Cheque Bounce Cases under Negotiable Instruments Act
2. The Negotiable Instruments Act, 1881
3. The Limitation Act, 1963

Research Methodology

Quantitative & Qualitative methods were used

Conclusion

The interplay between the Negotiable Instruments Act and the Limitation Act is crucial in determining the admissibility of cheque bounce cases. Understanding the limitation period and recent judicial developments is essential for ensuring that complaints are filed within the prescribed time frame. By excluding the date of information about cheque dishonour, the limitation period can be calculated accurately, ensuring that justice is served.