

Limitation Law 1859: Supreme Court revokes extension of Limitation time

March 15, 2021

The Supreme Court lifted the extension of the limitation period for filing of cases granted by the Court in March 2020 on account of COVID-19 pandemic. In a way, the order marks the beginning of the end of the pandemic for the legal system in India. The next step in returning to normalcy will be to re-open the physical hearings in court which too is gradually happening.

In news: Supreme Court Ends Extension Of Limitation; Period From 15.03.2020 To 14.03.2021 Excluded From Limitation Period

Placing it in syllabus: Law & Policy

Dimensions

- Why did SC extend the Limitation period?
- What is the Limitation Period?
- Provisions of Limitation Law 1963

Content:

Why did SC extend the Limitation period?

- The Supreme Court has ended the extension of the limitation period which it had ordered in March 2020 on account of COVID-19 pandemic and the national lockdown.
- The exclusion of almost one year was given as a relief to people whose working was disrupted during the course of the pandemic
- The Supreme Court had recognized the impediments caused due to the Coronavirus pandemic and the curb on physical movement of all individuals due to the necessity of the

lockdown which is currently still in force.

- Taking cognizance of this factor the court decided to take **suo moto action** for avoiding the resultant difficulties which may be faced by litigants across the country in filing their petitions, applications, suits, appeals and all other proceedings within the period of limitation prescribed under the general law of limitation or under Special Laws (at both the Central and State level).
- In order to remove these difficulties and make sure that all lawyers and litigants are not required to be physically present for filing such proceedings within the respective courts and tribunals in the country
- However, with the latest orders, now the time limits prescribed under various laws for an aggrieved person to approach courts will come into effect again.

Latest Order of Supreme Court:

In the order, the bench of Chief Justice of India SA Bobde, Justice L Nageswara Rao, and Justice S Ravindra Bhat passed the following directions:

- The time between March 15, 2020, and March 14, 2021, shouldn't be counted while calculating the limitation period. For instance, if a cheque bounce event occurred on October 3, 2020, then the period of limitation within which legal recourse should have been taken would be counted from March 15, 2021.
- If the period of limitation for any case would have expired between March last year and 2021, there shall be a further limitation period of 90 days or the actual time left for filing of cases, whichever is higher. This will be counted from March 15, 2021. For example, if the deadline to approach the court for a property dispute was ending between March 15, 2020, to March 14, 2021, the person aggrieved will have another 90 days or the actual time left for filing the case, whichever is

higher, to approach the court.

- Limitation period restrictions will also kick in for certain provisions under Commercial Courts Act, arbitration law and cheque bounce proceedings. For these, March 15, 2021, will be the day from which the computation of the limitation period will start.
- In giving these directions, the Supreme Court noted that: "Almost all the Courts and Tribunals are functioning either physically or by virtual mode. We are of the opinion that the order dated 15.03.2020 has served its purpose and in view of the changing scenario relating to the pandemic, the extension of limitation should come to an end."

What is the Limitation Period?

- The "Law of Limitation" prescribes the time-limit for different suits within, which an aggrieved person can approach the court for redress or justice.
- The suit, if filed after the exploration of time-limit, is struck by the law of limitation.
- It's basically meant to protect the long and established user and to indirectly punish persons who go into a long slumber over their rights.
- The statutory law was established in stages. The very first Limitation Act was enacted for all courts in India in 1859. And finally took the form of the Limitation Act in 1963.
- The law prescribes different periods within which a person who has a grievance should go to court.
- For example, if somebody has borrowed your money and not returned it, you should approach the court within three years from the date you lent the money.
- If you don't go to the court within that time, the courts will not be of help to recover your money. This is called the limitation period.
- After the limitation period, you cannot enforce your

rights in a court.

- The **Limitation Act 1963 prescribes different limitation periods** for different kinds of claims.
- Some other Acts such as the Consumer Protection Act also prescribe limitation periods

Provisions of Limitation Law 1963

The Limitation Act, 1963 extends to the whole of India except the State of Jammu and Kashmir. The period has been prescribed in Schedule to the Act.

Generally, it is as follows –

- 3 years for a suit relating to accounts, contracts, declarations, decrees, suits relating to movable property, recovery of law suit under a contract etc.
- 12 years for suits relating to possession of immovable property and 30 years for mortgaged property
- One year for suit relating to torts (3 years for compensation in certain cases)
- 30 to 90 days in case of appeals under Civil Procedure Code and Criminal Procedure Code.

In case, the prescribed period for any suit, appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted on the day when the court reopens, as provided under Section 4 of the act.

Period of filing appeal and application can be extended if proper cause is shown.

Rule 3-A has been inserted by the Amendment Act of 1976. It provides that where an appeal has been presented after the expiry of the period of limitation specified therefor, it shall be accompanied by an application that the applicant has sufficient cause for not preferring the appeal within the time.

Mould your thought: Why did the Supreme Court order Extension of the Limitation Period? Discuss the provisions of Limitation Act 1963.

Approach to the answer:

- Introduction
- Discuss the reasons for the extension
- Write about the use of Limitation Period in Law
- Discuss the provisions of Limitation Act 1963
- Conclusion