

Supreme Court and Limitation Act

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Manifest pedagogy: The topic deals with the plenary powers of the Supreme Court as well as steps taken by it to maintain social distancing in the judiciary. It also explains the scope of the Limitation Act.

In news: SC has invoked Limitation Act

Placing it in syllabus: Supreme Court powers

Static dimensions: What is the Limitation Act and its provisions?

Current dimensions:

- Act recently invoked by the SC
- Importance of the Act

Content: The Supreme Court has announced a list of measures that the court will be taking to help practice social distancing in the judiciary. The apex court will now give lawyers the option of arguing their cases through video conferencing.

What is the Limitation Act?

- The Limitation Act, 1963 is the **legislation that governs the period within which suits are to be filed, with relevant provisions for delay, condonation** thereof etc...
- If the suit is filed after the expiration of the time period as specified in this act, it will be barred by limitation.
- The first Limitation Law was established in 1859 which

came into operation in 1862.

- Finally it took the form of the Limitation Act in 1963 and **came into force from 1st January, 1964.**
- The **main objective** of the LA,1963 is to provide a specific time frame within which a person can file a suit in a court.
- It **aims to protect the lengthy process of penalising a person indirectly** without an offence.

Provisions:

- The Limitation Act **contains 32 Sections and 137 Articles.**
- The articles have been divided into **10 parts.**
- There **is no uniform limitation for the suits** under which the classifications have been attempted.
- The **limitation period is reduced from a period of 60 years to 30 years** in case of mortgages for foreclosure or suits by or on the behalf of the Central Government or any State Government.
- A **period of 12 years** has been prescribed for different kinds of **suits relating to immovable property, trusts and us endowments.**
- A **period of 3 years** has been prescribed for the suits relating to accounts, contracts and declarations, decrees and instruments as well as movable property.
- A **period varying from 1 to 3 years has been prescribed for suits relating to torts and miscellaneous matters.**

The Act recently invoked by the SC:

- The Supreme Court recently invoked its **plenary powers under Article 142** of the Constitution **to extend the limitation period of appeals from high courts or tribunals on account of coronavirus pandemic.**
- To obviate difficulties and to ensure that lawyers/litigants do not have to come physically to file proceedings in respective courts/tribunals across the

country, the **period of limitation in all proceedings, has been extended from March 15, 2020 till further orders.**

- SC has decided to resort to the **digital mode to maintain social distancing** and prevent spread of infection and the cases would be heard through an app called 'Vidyo'.
- **Section 4** of the Act states that "where 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, preferred or made on the day when the court re-opens.

Importance of the Act:

- The Limitation Act, 1963 signifies that it **does not make any racial or class distinction since both Hindu and Muslim Law** are now available under the law of limitation as per the existing statute.
- The **major purpose** of the Act is not to destroy or infringe the rights of an aggrieved person but to serve the public in a better way and to save time.
- This statute is basically founded on the public policy for fixing a life span for the legal actions which are taking place and to seek remedy in time with the purpose of general welfare.
- It helps in **avoiding the unexplainable delay** and latches in a suit.

Mould your thought: What is the Limitation Act? Explain its importance.