

THE LIMITATION ACT
ACT NO. IX OF 1908

An Act to consolidate and amend the law for the Limitation of Suits, and for other purposes. ---

Whereas it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property. It is hereby enacted as follows:--

PART I

PRELIMINARY

1. Short title, extent and commencement. --- (1) This Act may be called the Limitation Act, 1908.

(2) It extends to the whole of Pakistan.]

(3) This section and section 31 shall come into force at once. The rest of this Act shall come into force on the first day of January, 1909.

2. Definitions.---In this Act, unless there is anything repugnant in the subject or context,---

(1) **"applicant"** includes any person from or through whom an applicant derives his right to apply:

(2) **"bill of exchange"** has the same meaning as in section 5 of the Negotiable Instruments Act, 1881 (XXVI of 1881), and includes a Hundi and a Cheque]:

(3) **"bond"** includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

(4) **"defendant"** includes any person from or through whom a defendant derives his liability to be sued:

(5) **"easement"** includes a right not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another or anything growing, or attached to or subsisting, the land of another:

(6) **"foreign country"** means any country other than [Pakistan] :

(7) **"good faith"**; nothing shall be deemed to be done in good faith which is not done with due care and attention:

(8) **"plaintiff"** includes any person from or through whom a plaintiff derives his right to sue:

(9) **"promissory note"** has the same meaning as in the Negotiable Instruments Act, 1881 (XXVI of 1881)]:

(10) **"suit"** does not include an appeal or an application: and

(11) **"trustee"** does not include a Benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title.

PART II

LIMITATION OF SUITS, APPEALS AND APPLICATIONS

3. Dismissal of suit, etc. instituted, etc. after period of limitation.---Subject to the provisions contained in sections 4 to 25 (inclusive), every suit instituted, appeal preferred, and application made after the period of limitation prescribed therefor by the First Schedule shall be dismissed although limitation has not been set up as a defence.

Explanation.---A suit is instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is made; and, in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

4. Where Court is closed when period expires.---Where the period of limitation prescribed 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 that the Court re-opens.

5. Extension of period in certain case.---Any appeal or application for [a revision or] a review of judgment or for leave to appeal or any other application to which this section may be made applicable [by or under any enactment] for the time being in force may be admitted after the period of limitation prescribed therefore, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.---The fact that the appellant or applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

6. Legal disability.---(1) Where a person entitled to institute a suit [or proceeding] or make an application for the execution of a decree is, at the time from which the period of limitation is to be reckoned a minor, or insane, or an idiot, he may institute the suit [or proceeding] or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the First Schedule or in section 48 of the Code of Civil Procedure, 1908 Act (V of 1908).

(2) Where such person is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

(3) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

(4) Where such representative is at the date of the death affected by any such disability, the rules contained in subsections (1) and (2) shall apply.

7. Disability of one of several plaintiffs or applicants.---Where one of several persons jointly entitled to institute a suit ¹⁴[or proceeding] or make an application for the execution of a decree is under any such disability, and a discharge can be given without the concurrence of such person, will run against them all; but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

8. Special exceptions.---Nothing in section 6 or in section 7 applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

9. Continuous running of time.---Where once time has begun to run, no subsequent disability or inability to sue stops it:

Provided that where letters or administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

10. Suits against express trustees and their representatives.--- Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property or the proceeds thereof, or for an account of such property or proceeds, shall be barred by any length of time.

For the purposes of this section any property comprised in a Hindu, Muhammadan or Buddhist religious or charitable endowment shall be deemed to be property vested in trust for a specific purpose, and the manager of any such property shall be deemed to be the trustee thereof.

11. Suits on foreign contracts.---(1) Suits instituted in 18[Pakistan on contracts entered into in a foreign country are subject to the rules of limitation contained in this Act.
(2) No foreign rule of limitation shall be a defence to a suit instituted in [Pakistan] on a contract entered into in a foreign country, unless the rule has extinguished the contract and the parties were domiciled in such country during the period prescribed by such rule.

PART III

COMPUTATION OF PERIOD OF LIMITATION

- 12. Exclusion of time in legal proceedings.**---(1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.
- (2) In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed, shall be excluded.
- (3) Where a decree is appealed from or sought to be reviewed the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.
- (4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.
- (5) For the purposes of subsections (2), (3) and (4), the time requisite for obtaining a copy of the decree, sentence, order, judgment or award shall be deemed to be the time intervening between the day on which an application for the copy is made and the day actually intimated to the applicant to be the day on which the copy will be ready for delivery.

13. Exclusion of time of defendant's absence from Pakistan etc. and certain other territories.---In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from [Pakistan] and from the territories beyond [Pakistan] under the administration of [the [Federal] Government] [***] shall be excluded.

14. Exclusion of time of proceeding bona fide in Court without jurisdiction.---(1) In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation prescribed for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

Explanation I.---In excluding the time during which a former suit or application was pending, the day on which that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

Explanation II.---For the purposes of this section, a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding.

Explanation III.---For the purposes of this section misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

15. Exclusion of time during which proceedings are suspended.---(1) In computing the period of limitation prescribed for any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded.

(2) In computing the period of limitation prescribed for any suit of which notice has been given in accordance with the requirements of any enactment for the time being in force, the period of such notice shall be excluded.

16. Exclusion of time during which proceedings to set aside execution sale are pending.---In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which a proceeding to set aside the sale has been prosecuted shall be excluded.

17. Effect of death before right to sue accrues.---(1) Where a person, who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(2) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

Nothing in subsections (1) and (2) applies to suits to enforce rights of pre-emption or to suits for the possession of immovable property or of an hereditary office.

18. Effect of fraud.---Where any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded.

or where any document necessary to establish such right has been fraudulently concealed from him.

the time limited for instituting a suit or making an application---

(a) against the person guilty of the fraud or accessory thereto, or

(b) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

19. Effect of acknowledgment in writing.---(1) Where, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed.

(2) Where the writing containing the acknowledgment is undated; oral evidence may be given of the time when it was signed; but, subject to the provisions of the Evidence Act, 1872, oral evidence of its contents shall not be received.

Explanation I.---For the purposes of this section an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation II.---For the purposes of this section, "signed" means signed either personally or by an agent duly authorised in this behalf.

Explanation III.---For the purposes of this section an application for the execution of a decree or order is an application in respect of a right.

20. Effect of payment on account of debt or of interest on legacy.--- 24[(1) Where payment on account of a debt or of interest on a legacy is made before the expiration of the prescribed period by the person liable to pay the debt or legacy, or by his duly authorised agent, a fresh period of limitation shall be computed from the time when the payment was made:]

(2) Effect of receipt of produce of mortgaged land.---Where mortgaged land is in the possession of the mortgagee, the receipt of the rent or produce of such land shall be deemed to be a payment for the purpose of subsection (1).

Explanation.---Debt includes money payable under a decree or order of Court.

21. Agent of person under disability.---(1) The expression "agent duly authorised in his behalf," in sections 19 and 20, shall, in the case of a person under disability include his lawful guardian, committee, or manager or a agent duly authorised by such guardian, committee or manager to sign the acknowledgment or make the payment.

(2) Acknowledgment or payment by one of several joint contractors, etc.---Nothing in the said section renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed or of a payment made by or by the agent of, any other or others of them.

²⁷(3) For the purposes of the said sections---

(a) an acknowledgment signed, or a payment made, in respect of any liability, by, or by the duly authorised agent of, any widow or other limited owner of property who is governed by the Hindu law, shall be a valid acknowledgment or payment, as the case may be, as against a reversioner succeeding to such liability; and

(b) where a liability has been incurred by, or on behalf, of, a Hindu undivided family as such, an acknowledgment or, payment made by, or by the duly authorised agent of, the manager of the family for the time being shall be deemed to have been made on behalf of the whole family.]

22. Effect of substituting or adding new plaintiff or defendant.---(1) Where after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party.

(2) Nothing in subsection (1) shall apply to a case where a party is added or substituted owing to an assignment or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.

23. Continuing breaches and wrongs.---In the case of continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

24. Suit for compensation for act no actionable without special damage.--- In case of a suit for compensation for an act which does not give rise to a cause of action unless some specific

injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

PART IV

ACQUISITION OF OWNERSHIP BY POSSESSION

26. Acquisition of right to easements.---(1) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for twenty years, and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably any openly enjoyed by any person claiming title thereto as an easement and as of right without interruption, and for twenty years, the right to such access and use of light or air, way, watercourse, use of water, or other easement shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

(2) Where the property over which a right is claimed under subsection (1) belongs to [the Government], that subsection shall be read as if for the words "twenty years" the words "sixty years" were substituted.

Explanation.---Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorising the same to be made.

27. Exclusion in favour of reversioner of servient tenement.---Where any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of the interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the period of twenty years in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

PART V

SAVINGS AND REPEALS

29. Savings.---[(1) Nothing in this Act shall affect section 25 of the Contract Act, 1872.

(2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed therefore by the First Schedule, the provisions of section 3 shall apply, as if such period were prescribed therefore in that Schedule, and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law---

(a) the provisions contained in section 4, sections 9 to 18, and section 22 shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law; and

(b) the remaining provisions of the Act shall not apply.]

(3) Nothing in this Act shall apply to suits under the Divorce Act.

(4) Sections 26 and 27 and the definition of "easement" in section 2 shall not apply to cases arising in territories to which the Easements Act, 1882, may for the time being extend.

30 and 31. [Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877. Provision for suits by certain mortgagees in territories mentioned in the Second Schedule].---Rep. by the Repealing and Amending Act, 1930 (VIII of 1930), section 3 and Second Schedule].

30. S.28 omitted by Limitation (Amendment) Act (II of 1995), S.2, dated 18-10- 1995.

32. (Repeals).---Repealed by the Second Repealing and Amending Act, 1914 (XVII of 1914), Section 3 and Second Schedule.

THE FIRST SCHEDULE (See section 3) FIRST DIVISION : SUITS

Description of suit	Period of limitation
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Time from which period begins to run Part I.--- Thirty days	
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1. To contest an award of the Board or Revenue under the Waste Lands (Claims) Act, 1863.	
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Thirty days	
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When notice of the award is delivered to the plaintiff.	
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Part II.--- Ninety days 2. For compensation or doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being in [Pakistan].	
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Ninety days	
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When the act or omission takes place	
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Part III.--- Six months	
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Six months 3. Under the Specific Relief When the dispossession occurs.	
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Act, 1877, section 9 to recover possession of immovable property.	
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Part IV --- One Year	
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5. Under the summary procedure referred to in section 128(2)(f) of the Code of Civil Procedure, 1908 [where the provision of such summary procedure does not exclude the ordinary procedure in such suits When the debt or liquidated demand becomes payable or when the property becomes recoverable.	
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[* * * *] 6. Upon a Statute, Act, Regulation or Bye-law, of a penalty or forfeiture.	
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[One year]	
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One year When the penalty or forfeiture is incurred.

7. For the wages of a household servant, artisan or labourer When the wages accrue due

8. For the price of food or drink sold by the keeper of a hotel, tavern or lodging house. [One year].

When the food or drink is delivered.

9. For the price of lodging. [One year] When the price becomes payable. 10. To enforce a right of pre-emption whether the right is founded on law, or general usage, or on special contract.

[One year].

[One year] When the purchaser takes, under the sale sought to be impeached, physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered. 11. By a person against whom any of the following orders has been made to establish the right which he claims to the property comprised in the order:

(1) Order under the Code of Civil Procedure, 1908, on a claim preferred to, or an objection made to the attachment of, property attached in execution of a decree;

The date of the order.

11-A. By a person against whom an order has been made under the Code of Civil Procedure, 1908, upon an

[One year].

[One year] The date of the order.

application by the holder of a decree for the possession of immovable property or by the purchaser of such property sold in execution of a decree, complaining of resistance or obstruction to the delivery of possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree-holder or purchaser, to establish the right which he claims to the present possession of the property comprised in the order. 12. To set aside any of the following sales:--

(a) Sales in execution of a decree of a Civil Court;

(b) sale in pursuance of a decree or order of a Collector or other officer of revenue

(c) sale for arrears of Government revenue, or for any demand recoverable as such arrears;

(d) sale of a patni taluq sold for current arrears of rent.

Explanation.---In this article "patni" includes any intermediate tenure saleable for current arrears of rent.

[One year] When the sale is confirmed, or

would otherwise have become final and conclusive had no such suit been brought.

13. To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.

[One year] The date of the final decision or

order in the case by a Court competent to determine if finally

. 14. To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.

[One

The date of the act or order. year].

[One 15. Against Government to

When the attachment, lease or set aside any attachment, year].

transfer is made lease or transfer of immovable property by the Revenue Authorities for arrears of Government revenue. 16. Against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands

recoverable as such arrears.

[One year] When the payment is made.

17. Against Government for compensation for land acquired for public purposes.

[One year] The date of determining the amount of the compensation.

18. Like suit for compensation (when the acquisition is not completed).

[One year] The date of the refusal to complete.

19. For compensation for false imprisonment.

When the imprisonment ends.

20. By executors, administrators or representatives under the Legal Representatives Suits Act, 1855.

[One year]. [One year] The date of the death of the person wronged.

21. By executors, administrators or representatives under the Fatal Accidents Act, 1855.

[One year]. The date of the death of the person killed.

22. For compensation for any other injury to the person.

[One year] When the injury is committed.

23. For compensation for malicious prosecution

[One year] When the plaintiff is acquitted, or the prosecution is otherwise

terminated. 24. For compensation for libel.

[One year] When the libel is published.

25. For compensation for slander.

When the words are spoken or, if the words are not actionable in themselves, when the special damage complained of results. 26. For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.

[One year].

[One year] When the loss occurs.

27. For compensation for inducing a person to break a contract with the plaintiff.

[One year] The date of the breach

[One year] 28. For compensation for

[One year] The date of the distress. an illegal, irregular or excessive distress. 29. For compensation for wrongful seizure of movable property under legal process.

[One year] The date of the seizure.

30. Against a carrier for compensation for losing or injuring goods.

[One year] When the loss or injury occurs

31. Against a carrier for compensation for non-delivery of, or delay in delivering goods.

[One year] When the goods ought to be delivered.

Part V.--- Two Years 32. Against one who, having a right to use property for specific purposes, perverts it to other purposes.

Two years officer of Revenue When the

perversion first becomes known to the person injured thereby.

33. Under the Legal Representatives' Suits Act, 1855, against an executor.

Two years When the wrong complained of is done.

34. Under the same Act against an administrator.

Two years -Ditto-

35. Under the same Act against any other representative.

Two years -Ditto-

36. For compensation for . any malfeasance misfeasance or non-feasance independent of contract and not herein specially provided for.

Two years When the malfeasance,
misfeasance or nonfeasance takes place.

PART IV.- --Three Years

37. For compensation for obstructing a way for a watercourse.

Three years The date of the obstruction.

38. For compensation for diverting a watercourse.

Three years The date of the diversion 39. For compensation for ... trespass upon immovable property.

The date of trespass.

40. For compensation for infringing copyright or any other exclusive privilege.

Three years

Three

The date of the infringement. years

41. To restrain waste. Three years

When the waste begins.

42. For compensation for injury caused by an injunction

Three

When the injunction ceases. years

wrongfully obtained. 43. Under the ⁵⁰[Succession Act, 1925, section 360 or section 361,] by a person to whom an executor or administrator has paid a legacy or distributed assets.

Three years

The date of the payment or distribution

44. By a ward who has attained majority, to set aside a transfer of property by his guardian.

When the ward attains majority.

[* * * * *]

[* * * * *] 47. By any person bound by an order respecting the possession of immovable property made under the Code of Criminal Procedure Code, 1898, ⁵³[**] or by any one claiming under such person, to recover the property comprised in such order.

Three years

The date of the final order in the case

48. For specific movable property lost or acquired by theft, or dishonest misappropriation or conversion, or for compensation for wrongfully taking or detaining the same.

Three years

When the person having the right to the possession of the property first learns in whose possession it is.

⁵⁵[48-A. To recover movable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depository or pawnee for a valuable consideration.

Three years

When the same becomes known to the plaintiff.

⁵⁶[48-B. To set aside sale of movable property comprised in a Hindu, Muhammadan or Buddhist religious or charitable endowment made by a manager thereof for a valuable consideration.

Three years

When the sale becomes known to the plaintiff]

49. For other specific movable property, or for compensation for wrongfully taking or injuring or wrongfully detaining the same.

Three years

When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.

50. For the hire of animals, vehicles, boats or household

Three years

Three

When the hire becomes payable. years

furniture. 51. For the balance of money advanced in payment of goods to be delivered.

Three years

When the goods ought to be delivered.

⁵⁸52. For the price of goods sold and delivered, where no fixed period of credit is agreed upon.

The date of the delivery of the goods.

⁵⁹53. For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.

Three years

When the period of credit expires.

54. For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given

Three years

When the period of the proposed bill elapses

55. For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.

Three years

The date of the sale.

56. For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.

Three years

When the work is done.

⁶¹57. For money payable for money lent.

Three years

When the loan is made

58. Like suit when the lender has given a cheque for the money.

Three years

When the cheque is paid

⁶²59. For money lent under an agreement that it shall be payable on demand.

Three years

When the loan is made.

60. For money deposited under an agreement that it shall be payable on demand including money of a customer in the hands of his banker so payable.

Three years

When the demand is made.

⁶⁴61. For money payable to the plaintiff for money paid for the defendant.

Three years

When the money is paid.

62. For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.

Three years

When the money is received.

⁶⁵63. For money payable for interest upon money due from the defendant to the

Three years

Three

When the interest becomes due. years

plaintiff. ⁶⁶64. For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.

Three years

When the accounts are stated in writing signed by the defendant or his agent duly authorized in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made

payable at a future time, and then when that time arrives. ⁶⁷64A. Under Order XXXVII of the Code of Civil Procedure.

When the debt becomes payable.

65. For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.

Three years

When the time specified arrives or the contingency happens.

⁶⁹66. On a single bond, where a day is specified for payment.

Three years

The day so specified.

⁷⁰67. On a single bond, where no such day is specified.

Three years

The date of executing the bond.

⁷¹68. On a bond subject to a condition.

Three years

Three years When the condition is broken.

⁷²69. On a bill of exchange or promissory note payable at a fixed time after date.

Three years When the bill or note falls due.

⁷³70. On a bill of exchange payable at sight or after sight, but not at a fixed time.

When the bill is presented.

⁷⁴71. On a bill of exchange accepted payable at a particular place.

Three years

When the bill is presented at that place.

⁷⁶72. On a bill of exchange or promissory note payable at a fixed time after sight or after demand.

Three years

When the fixed time expires.]

⁷⁷73. On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.

Three years

The date of the bill or note.

⁷⁸74. On a promissory note or bond payable by instalments.

Three years

The expiration of the first term of payment as to the part then payable; and for the other parts the

expiration of the respective terms of payment. ⁷⁹75. On a promissory note or bond payable by instalment, which provides that if default be made in payment of one or more

Three years

Three

When the default is made, unless years

where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is

no instalments, the whole shall

such waiver be due. ⁸⁰76. On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.

The date of the delivery to the payee.

⁸²77. On a dishonoured foreign bill where protest has been made and notice given.

Three years

When the notice is given.

⁸³78. By the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.

Three years

The date of the refusal to accept.

⁸⁴79. By the acceptor of an accommodation bill against the drawer.

Three years

When the acceptor pays the amount of the bill.

⁸⁵80. Suit on a bill of exchange, promissory note, or bond not herein expressly provided for

Three years

When the bill, note or bond becomes payable.

81. By a surety against the principal debtor.

Three years

When the surety pays the creditor.

82. By a surety against a co-surety.

Three years

When the surety pays anything in excess of his own share. 83. Upon any other contract to indemnify.

Three years

When the plaintiff is actually damnified. 84. By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.

Three years

The date of the termination of the suit or business, or (where the attorney or vakil properly discontinues

the suit or business) the date of such discontinuance.

85. For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.

Three years

The close of the years in which the last item admitted or proved is entered in the account; such year to be computed as in the account.

86. ⁸⁷[(a) On a policy of insurance when the sum insured is payable after proof of the death has been given to or received by the insurers. Three years

Three
years

⁸⁸[(a) The date of the death of the deceased.

(b) On a policy of insurance when the sum insured is payable after proof of the loss has been given to or received by the insurers).

(b) The date of the occurrence causing the loss.]

87. By the assured recover premia paid under a policy voidable at the election

Three

When the insurers elect to avoid years

the policy.

of the insurers. 88. Against a factor for an account.

Three years

When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates. 89. By a principal against his agent for movable property received by the latter and not accounted for.

Ditto

90. Other suits by principals against agents for neglect or misconduct.

Three years

When the neglect or misconduct becomes known to the plaintiff.

91. To cancel or set aside an instrument not otherwise provided for.

Three years

When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.

92. To declare the forgery of an instrument issued or registered.

Three years

When the issue or registration becomes known to the plaintiff.

93. To declare the forgery of an instrument attempted to be enforced against the plaintiff.

Three years

The date of the attempt.

94. For property which the plaintiff has conveyed while insane.

Three years

When the plaintiff is restored to sanity, and has knowledge of the conveyance. 95. To set aside a decree obtained by fraud, or for other relief on the ground of fraud.

Three years

When the fraud becomes known to the party wronged.

96. For relief on the ground of mistake.

Three years

When the mistake becomes known to the plaintiff. 97. For money paid upon an existing consideration which afterwards fails.

Three years

The date of the failure.

98. To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.

Three years

The date of the trustee's death, or, if the loss has not then resulted the date of the loss.

99. For contribution by a party who has paid the whole or more than his share of the amount due under a joint decree, or by a sharer in a joint estate who has paid the whole or more than his share of the amount of revenue due from himself and his co-shares.

Three years

The date of the payment in excess of the plaintiff's own share.

100. By a co-trustee to enforce against the estate

Three years

Three

When the right to contribution years
accrues.

of the deceased trustee a claim for contribution. 101. For a seaman's wages. Three years
The end of the voyage during which the wages are earned. 102. For wages not otherwise expressly
provided for by this Schedule.

When the wages accrue due

103. By ⁹³[Muslim] for exigible dower (mu ajjal). (where, during the continuance of the marriage no such
demand has been made) when the marriage is dissolved by death or divorce.

Three years

When the dower is demanded and refused or

104. By a ⁹⁴[Muslim] for deferred dower (mu ajjal).

Three years

When the marriage is dissolved by death or divorce. 105. By a mortgagor after the mortgage has been
satisfied, to recovery surplus collections received by the mortgagee.

Three years

When the mortgagor re-enters on the mortgaged property.

106. For an account and a share of the profits of a dissolved partnership.

Three years

The date of the dissolution.

107. By the manager of a joint estate of an undivided family for contribution, in respect of a payment
made by him on account of the estate.

Three years

The date of the payment.

108. By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.

Three years

When the trees are cut down.

109. For the profits of immovable property belonging to the plaintiff which have been wrongfully received
by the defendant.

Three years

When the profits are received.

110. For arrears of rent.

Three years

When the arrears become due.

111. By a vendor of immovable property for personal payment of unpaid purchase-money.

Three years

The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance. 112. For a call by a company registered under any Statute or Act.

Three years

When the call is payable.

113. For specific performance of a contract.

Three years

Three

The date fixed for the years

performance, or if no such date is fixed, when the plaintiff has notice that performance is refused. 114. For the rescission of a contract.

Three years

When the facts entitling the plaintiff to have the contract rescinded first become known to him. 115. For compensation for the breach of any contract, express or implied, not in writing registered and not herein specially provided for.

Three years

When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases. **Part VII.- --Six years.**

116. For compensation for the breach of a contract in writing registered.

Six years When the period of limitation

would begin to run against a suit brought on a similar contract not registered. 117. Upon a foreign

judgment as defined in the Code of Civil Procedure, 1908. ^{Six years} The date of the judgment 118. To

obtain a declaration that an alleged adoption is invalid, or never, in fact, took place.

Six years When the alleged adoption

becomes known to the plaintiff.

119. To obtain a declaration that an adoption is valid.

Six years When the rights of the adopted

son, as such are interfered with.

120. Suit for which no period of limitation is provided elsewhere in this schedule. ^{Six years} When the right to sue accrues. 121. To avoid incumbrances or conclusive. undertenures in an entire estate sold for

arrears of Government revenue, or in a patni taluq or other saleable tenure sold for arrears of rent.

Twelve years

When the sale becomes final and conclusive

122. Upon a judgment obtained in ⁹⁷[Pakistan] or a recognisance.

⁹⁸[Twelve

years]

The date of the judgment or recognizance.

123. For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate.

⁹⁸[Twelve years]

When the legacy or share becomes payable or deliverable.

124. For possession of hereditary office

⁹⁸[Twelve

years] When the defendant takes

possession of the office adversely to the plaintiff.

Explanation.---An

hereditary office is possessed when the profits thereof are

usually received, of (if there are no profits) when the duties thereof are usually performed.

125. Suit during the life of a Hindu or 1[Muslim] female by a Hindu or 1[Muslim] who, if the female died at the date of instituting the suit would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her remarriage.

²[Twelve

years]

The date of the alienation.

126. By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.

²[Twelve

years]

When the alienee takes possession of the property

127. By a person excluded from joint family property to enforce a right to share therein.

²[Twelve years]

When the exclusion becomes known to the plaintiff.

128. By a Hindu for arrears of maintenance

²[Twelve years]

When the arrears are payable.

129. By a Hindu for a declaration of his right to maintenance.

²[Twelve

years]

When the right is denied.

130. For the resumption or assessment of rent- free land.

²[Twelve

years] When the right to resume or assess the land first accrues.

131. To establish a periodically recurring right.

²[Twelve

years]

When the plaintiff is first refused the enjoyment of the right.

132. To enforce payment of money charged upon immovable property.

³[Twelve years]

When the money sued for becomes due

4[Explanation,--- For the purposes of this article---

(a) the allowance and fees respectively called malikana
and haqq, and

the plaintiff.

(b) the value of any agricultural or other produce the right to receive which is secured by a charge upon immovable property, ⁵[and

(c) advances secured by mortgage by deposit of title deeds].

shall be deemed to be money charged upon immovable property.

⁶[*****]

134. To recover possession of immovable property conveyed or - bequeathed in trust or mortgaged and afterwards transferred by the trustee or mortgagee for a valuable consideration.

³[Twelve years]

⁷[When the transfer becomes known to the plaintiff.]

⁷[When the transfer becomes known to the plaintiff.]

⁸[134A. To set aside a transfer of immovable property comprised in a Hindu, ⁹[Muslim] or Buddhist religious or charitable endowment made by a manager thereof for a valuable consideration.

When the transfer becomes known to

134B. BY the manager of a Hindu, ⁹[Muslim] or Buddhist religious or charitable endowment to recover possession of immovable property comprised in the endowment which has been transferred by previous manager for a valuable consideration.

3

3

The death, resignation or removal of the transferor

134C. By the manager of a Hindu, ⁹[Muslim] or Buddhist religious or charitable endowment to recovery possession of movable property comprised

e

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e

;

¹⁰[Twelve
years]

The death, resignation or removal of
the seller.

The death, resignation or removal of
the seller.

The death, resignation or removal of
the seller.

in the endowment which has
been sold by a previous
manager for a valuable
consideration. 135. Suit
instituted in a Court ¹¹[other than
a High Court] by a mortgagee
for possession of immovable
property mortgaged.

¹²[Twelve
years]

When the mortgagor's right to
possession determines.

When the mortgagor's right to
possession determines.

136. By a purchaser at a private
sale for possession of
immovable property sold when
the vendor was out of
possession at the date of the
sale.

¹²[Twelve
years]

When the vendor is first entitled to
possession.

When the vendor is first entitled to
possession.

137. Like suit by a purchaser at a
sale in execution of a decree
when the judgment-debtor was
out of possession at the date of
the sale.

/e

When the judgment-debtor is
first entitled to possession.

When the judgment-debtor is
first entitled to possession.

When the judgment-debtor is
first entitled to possession.

138. Like suit by a purchaser at
a sale in execution of a decree
when the judgment-debtor was
in possession at the date of the
sale.

/e

The date when the sale becomes
absolute.

The date when the sale becomes
absolute.

The date when the sale becomes
absolute.

139. By a landlord to recover
possession from a tenant.

/e
|

When the tenancy is determined.
When the tenancy is determined.

140. By a remainderman, a

reversioner (other than a landlord) or a devisee, for possession of immovable property.

plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.

¹³[Twelve years]

When his estate falls into possession.
When his estate falls into possession.

ve
]

The date of the dispossession or discontinuance.
The date of the dispossession or discontinuance.

141. Like suit by a Hindu or

¹⁴[Muslim] entitled to the possession of immovable property on the death of a Hindu or ¹⁴[Muslim] female.

143. Like suit, when the plaintiff has become come entitled by reason of any forfeiture or breach of condition.

¹³[Twelve years]

When the female dies.
When the female dies.

ve
]

15[Omitted].

When the forfeiture is incurred or the condition is broken.
When the forfeiture is incurred or the condition is broken.

142. For possession of immovable property when the

Thirty 145. Against a depository or

The date of the deposit or pawn. pawnee to recover movable

years property deposited or pawned. 146. Before a ¹⁶[High Court] in the exercise of its ordinary original civil jurisdiction by a mortgagee to recover from the mortgagor the possession of immovable property mortgaged.

¹⁷[Thirty years]

When any part of the principal or interest was last paid on account of the mortgage-debt.

146A. By or on behalf of any local authority for possession of any public street or road or any part thereof from which it has been dispossessed or of which it has discontinued the possession.

¹⁷[Thirty days]

The date of the dispossession or discontinuance

147. By a mortgagee for foreclosure or sale.

When the money secured by the mortgage becomes due. 148. Against a mortgagee to redeem or to recover possession of immovable property mortgaged.

Sixty years ¹⁸[Sixty years] When the right to redeem or to

recovery possession accrues:

Provided that all claims to redeem arising under instruments of mortgage of immovable property situate in

Lower Burma which had been executed before the first day of May, 1863, shall be governed by the rules of limitation in force in that Province immediately before the same day. 149. 19[Any suit by "or on behalf of the Federal]²⁰ Government or any Provincial Government] ²¹[except a suit before the ²²[Supreme Court] in the exercise of its original jurisdiction].

¹⁸[Sixty years]

When the period of limitation would begin to run under this Act against a like suit by a private person.

150. Under the Code of Criminal Procedure, 1898 from a sentence of death passed by a Court of Session

²³[or by a High Court in the exercise of its original Criminal Jurisdiction].

²⁴[*****]

Seven

The date of the sentence. days

151. From a decree or order Twenty The date of the decree or order.

of ²⁵[a High Court] in the exercise of its original jurisdiction.

days

152. Under the Code of Civil Procedure, 1908 to the Court of a District Judge.

The date of the decree or order appealed from.

153. Under the same Code to High Court from an order of a Subordinate Court refusing leave to appeal to ²⁶[Supreme Court].

Thirty days

Thirty days

²⁷[Third days]

The date of the order.

The date of the order.

154. Under the Code of Criminal Procedure 1898, to any Court other than a High Court.

²⁸[Thirty days]

The date of the sentence or order appealed from.

The date of the sentence or order appealed from.

155. Under the same Code to a High Court, except in the cases provided for by Article 150 and Article 157.

Sixty days The date of the sentence or order
appealed from

156. Under the Code of Civil Procedure, 1908, to a High Court, except in the cases

provided for by Article 151 and Article 153.
The date of the decree or order appealed from.

157. Under the Code of Criminal Procedure, 1898, from an order of acquittal.
Ninety days
Ninety days

The date of the order appealed from.

29[158. Under the Arbitration Act, 1940, to set aside an award or to get an award remitted
for reconsideration.
Six months
Six months

Thirty daysThe date of service of the notice of
filing ofthe award.

159. For leave to appear and defend a suit under summary procedure referred to in
section 128 (2)(f) ³⁰[or under Order XXXVII of the ³¹[Code of Civil Procedure, 1908].

³²[Ten days]

When the summons is served.
When the summons is served.

160. For an order under the same Code, to restore to the file an application for review
rejected in consequence of the failure of the applicant to appear when the application was
called on for hearing.
When the application for review is rejected.

161. For a review of judgment by a 33* Court of small Causes 34**** or by a Court invested
with the jurisdiction of a 35* Court of Small Causes when exercising that jurisdiction.
Fifteen days
Fifteen days

³²[Fifteen days]

The date of the decree or order.

The date of the decree or order.

162. For a review of judgment Twenty The date of the decree or order.
by ³⁶[a High Court in the exercise of its original jurisdiction.

37162-A. *[Repealed]*.

days

163. By a plaintiff for an order to set aside a dismissal for default of appearance or for failure to pay costs of service of process or to furnish security for costs.

Thirty days The date of the dismissal

164. By a defendant, for an order to set aside a decree passed ex parte.

The date of the decree or where the summons was not duly served, when the applicant has knowledge of the decree. 165. Under the Code of Civil Procedure, 1908 by a person dispossessed of immovable property and disputing the right of the decree-holder or purchaser at a sale in execution of a decree to be put into possession.

³⁸[Thirty days]

³⁹[Thirty days]

The date of the dispossession.

166. Under the same Code to set aside a sale in execution of a decree ⁴⁰[including any such application by a judgment-debtor].

³⁹[Thirty days]

The date of the sale.

167. Complaining of resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree.

³⁹[Thirty days]

The date of the resistance or obstruction

168. For the readmission of an appeal dismissed for want of prosecution.

³⁹[Thirty days]

The date of the dismissal.

169. For the re-hearing of an appeal heard ex parte. ³⁹[Thirty days]

The date of the decree in appeal, or, where notice of the appeal was not duly served, when the applicant

has knowledge of the decree. 170. For leave to appeal as a pauper.

⁴¹[Thirty days]

The date of the decree appealed from. 171. Under the Code of Civil Procedure, 1908, ⁴²[by the legal representative of a deceased plaintiff or defendant for setting aside an order or judgment made or pronounced in his absence].

Sixty days ⁴³[The date of the order or judgment].

172. Under the same Code by the assignee or the receiver of

⁴¹[Sixty

days] The date of the order of

dismissal.

an insolvent plaintiff or appellant
for an order to set aside the
dismissal of a suit or an appeal.

173. For a review of judgment
except in the cases provided for
by Article 161 and Article 162.

instalments.

The date of the decree.

176. Under the same Code to
have the legal representative of a
deceased plaintiff or of a
deceased appellant made a
party.

Ninety
days

The date of the decree or order.

The date of the decree or order.

s

s

174. For the issue of a notice
under the same Code, to show
cause why any payment made
out of Court of any money
payable under a decree or any
adjustment of the decree should
not be recorded as certified.

The date of the death of the
deceased plaintiff or appellant.

177. Under the same Code to
have the legal representative of a
deceased defendant or of a
deceased respondent made a
party.

⁴⁴[Ninety
days]

When the payment or adjustment is
made.

When the payment or adjustment is
made.

ty

ty

175. For payment of the
amount of a decree by

ty

days]		period of limitation is provided elsewhere in this schedule or by section 48 of the Code of Civil Procedure, 1908.
The date of the death of the deceased defendant or respondent.		
The date of the death of the deceased defendant or respondent.		

		⁵⁰ [182. [* * * * *]
⁴⁶ [178. Under the Arbitration Act, 1940, for the filing in Court of an award.	T	
The date of service of the notice of the making of the award].	T	

179. By a person desiring to appeal under the ⁴⁷ [Code of Civil Procedure, 1908] to ⁴⁸ [the Supreme Court] for leave to appeal.	e 	When the right to apply accrues. When the right to apply accrues.
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Ninety days
Ninety days

⁴⁵ [Ninety days]		183. To enforce a judgment, decree or order of any ⁵¹ [High Court] in the exercise of its ordinary original civil
The date of the decree appealed from.		
The date of the decree appealed from.	5	

180. By a purchaser of immovable property at a sale in execution of a decree for delivery of possession.		When a present right to enforce the judgment, decree or order accrues to some person capable of releasing the right:
When the sale becomes absolute.		When a present right to enforce the judgment, decree or order accrues to some person capable of releasing the right:

181. Applications for which no jurisdiction, or an order of 52(the Supreme Court). Provided that when the judgment, decree or order has been revived, or some part of the principal money secured thereby, or some interest on such money has been paid, or some acknowledgment of the right thereto has been given in writing signed by the person liable to pay such

principal of interest, or his agent to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revival payment or acknowledgment or the latest of such revivals, payment or acknowledgments, as the case may be.

THE SECOND SCHEDULE---[TERRITORIES REFERRED TO IN SECTION 31.]

Rep. by the Repealing and Amending Act, 1930 (VIII of 1930),
S.3 and Second Schedule.

THE THIRD SCHEDULE---[ENACTMENTS REPEALED.] Rep.
by the Second Repealing and Amending Act, 1914

(XVII of 1914), S.3 and Second Schedule.