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Article 137 of the Limitation Act, 1963 is applicable to applications both under the Civil Procedure Code and under the Special Acts. Article 137 constitutes the residuary Article in regard to applications. What Art.

113 of the Limitation Act, 1963 is in regard to suits the Article 137 is in regard to applications. In Allahabad Bank Ltd. (The) v. Rana Shew Anvar Singh, (AIR 1976 All. 447), it has been held that the words used in Art.

137 do not indicate that it would apply as a residuary Art. to applications made under all laws for which no period of limitation is specifically provided in the Limitation Act, 1963 and, therefore, an application under Section 4 of U. P. Zamindari Debt Reduction Act, 1953 is not governed by Art. 137. In Bimla Devi v. Patitapaban, (AIR 1973 Ori. 189), it has been held that the language of Art.

137 makes it clear that the applicability of the Article will be restricted to applications are not provided, in the Third Division (Arts. 124 to 136) of the Schedule to the Limitation Act, 1963. So it has been clearly held by the Supreme Court that Art. 137 would apply to any application under the Civil Procedure Code or under any other special statute. There is only the limitation that it is confined to the applications made to a Court within the meaning of the Act. In Kerala SEB v. T. P.

Kunhaliumma, (AIR 1977 SC 282), it has been held that the Art. 137 will not apply to an application made to a statutory body or tribunal but is applicable to any petition or applicator filed under the Civil Procedure or any other statute. Some examples of applications for which the Article 137 is attracted are: (1) An application for annulment of transfer made by an insolvent under

the Provincial Insolvency Act attracts Art. 137 of the Limitation Act (Gujarat Singh v. Official Receiver, AIR 1984 All. 224). (2) An application contemplated by the Telegraph Act comes with the purview of Art.

137 of the Limitation Act, 1963 (Kerala State Electricity) Board v. T. P. Kunhaliumma, AIR 1977 SC 282). (3) A petition under Section 39 or S. 198 of the Companies Act, 1956 by a member thereof in case of mismanagement or apprehension of mismanagement of the officers of the company will be governed by Art.

137 of the Limitation Act [5. 5. Bindra v. H. F. (P) Ltd., (AIR 1990 Del. 32)].

(4) The period of limitation for a claim petition under the Companies Act will be governed by Art. 137 of the Limitation Act [R. C.

A. & CO. (P) Ltd. v. A.

R. C. & Co., (AIR 1978 Del. 167)]. (5) Art. 137 applies to an application for revocation of the probate though there is no limitation for an application for probate or Letter of Administration because it has a continuous cause of action [Ramesh v.

Surendar, (AIR 2001 Bom. 461)]. (6) Application for making final decree for foreclosure or sale will be governed by Art. 137 of the Limitation Act [Gajua v. Karnataka Glass Industries, (AIR 1971 Mys. 241)]. Article 137 is not attracted to the following applications: (1) Art.

137 does not apply to the applications to tribunals who are only quasi-judicial authority and not Courts [Nityanand M. Joshi v. LIC, (AIR 1970 SC 200)].

(2) The Labour Court exercising jurisdiction under Section 33(2) of the Industrial Disputes Act is not a Civil Court and Art. 137 will not be attracted an application filed before Labour Court [A. P. State Road Transport Corporation v.

Labour Court, (AIR 1975 Lab. IC 1043)]. (3) An application by the Union of India for discharge of tax liability does not attract Art. 137 of the Limitation Act [Union of India v. Asia Udyog (Pvt.

) Ltd., (1974) 86 ITR 229)]. (4) When an application is filed for bringing legal representative on records, Art. 137 is not attracted [J. Lai v. L.

Rs. of Khemaraj Nathulal, (AIR 1979 Raj. 179)]. (5) Any application filed by a party in a pending suit will not be governed by the Art.

137 [S. K Sahgal v. Maharaj, (AIR 1959 SC 809)].

(6) An application by a party to the Court to do that which the Court may do suo motu will not attract Art. 137 [Protiva Bose v. Rupendra, (1965) 1 SCJ 167)]. (7) Application for making final decree for foreclosure or sale will be governed by Art. 137 of the Limitation Act.

[Gajna v. Karnataka Glass Industries, AIR 1971 Mys. 241)]. The starting point of limitation under Art. 137 is the date when “ the right to apply arises”. The Art. 137 being a residuary Article to be adopted to different classes of

application, the expression “ the right to apply” is expression of a broad common law principle and it has to be interpreted according to the circumstances of each case.

In *Ramanna v. Nallaparaju*, [(1995) 2 SCR 936)], the Supreme Court has held that “ the right to apply” means “ the right to apply first arises.” In *Garagish v. Manche Gowda*, (AIR 1971 Mys. 178), it has been held that when the defendant applies for compensation against the plaintiff for obtaining injunction order against him on insufficient grounds under Section 95 of the Civil Procedure Code, then the right to apply for such compensation arises not on the date on which order of injunction was issued but on the date when said order of injunction is vacated.

In *Arjuna v. Purnanand*, (AIR 1968 Ori. 206), it has been held that right to apply for a personal decree against the mortgage under Order XXXIV, Rule 6 and Rule 8A arises not when the mortgage property was sold in auction and the sale proceeds was found insufficient to discharge the mortgage debt but from the date when such sale was confirmed. In *P. M. Jain v. Bank of Baroda*, (AIR 1990 P&H 28), it has been held that when an application is filed claiming exemption of the property from attachment on the ground that it being residential house is exempted from execution it is an application under Section 47 of the Civil Procedure Code. The right to apply arises from the date of the decree or from the date of attachment.

So, application filed within 3 years of the passing of the decree is within time. Under the Arbitration and Conciliation Act, 1996, right to apply to the Court having jurisdiction would arise from the date such controversy arises

between the parties over the termination of the mandate of the arbitrator and under Art. 137 within 3 years thereof such an application has to be made before the Court to decide whether mandate of the arbitration has terminated or not in terms of clause (a) of Section 14(1) of the Act.