

In of 1908 consisted
of 30 sections and



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In England there was no specific law of limitation before James Statute of 1523.

In 1540, during the time of Henry VIII, fixed periods of limitation for real actions were introduced. James I extended the same to personal actions. Before 1834, limitations were recognised as a judicial bar only. Williams recognised the principle of extinctive limitation. In ancient India, there was only a law of prescription and no Law of Limitation as such. For the acquisition of title by prescription, a period of 20 years was laid down by certain Smriti writers, though others differed regarding the length of period.

As the main occupation of the people being agriculture, the prescription was concentrated more on land and the rights therein. This was the position not only in ancient India but also in other countries of those times. In British India, from 1793, Regulations were passed from time to time for fixing the period of limitation for institution of actions.

For the first time a law of limitation was passed by Act XIV of 1859 which came into operation in 1862. Before 1859, the Courts of Presidency towns of Calcutta, Madras and Bombay followed the English law and the Muffusil Courts followed the law laid down by the Regulations. The Act of 1859 was followed by the Act XIX of 1871 and the same was followed by the Act XV of 1877 with some alterations. Finally, the Limitation Act of 1908 (IX of 1908) consolidated the law relating to limitation for suits, appeals and applications. The Act of 1908 consisted of 30 Sections and 183 Articles.

For applications, there were 9 parts ranging from 10 days to 12 years and for appeals, there were six parts of limitation ranging from 7th day to 30th

month. The present 'Limitation Act, 1963' has been passed seeking to implement the Third Report of the Law Commission on the Indian Limitation Act, 1908 dated 27th July, 1956 with one important modification. The Law Commission felt that the law of limitation should be simple, certain and rational. It also felt that the periods of limitation should neither be too long nor too short. It recommended that the provision should be modernised in the light of the judicial decisions and should avoid the possibility of conflicts between various articles. The Law Commission recommended the following: (i) The Articles should be classified according to their subject matter; (ii) A fixed period of limitation should be provided for as far as possible; and (iii) The starting point of limitation should be from the date of accrual of the cause of action.

While giving effect to the recommendations of the Commission as respects the re-arrangements of the Articles contained in the First Schedule in accordance with the subject matter of the rationalisation of the periods of limitation as far as possible, it is felt that it would be more advantageous to adhere to the existing scheme which in almost all cases indicates the specific points of time from which the period of limitation begins to run. The Limitation Act, 1963 is an Act to consolidate and amend the law for the limitation of suits and other proceedings and for purposes connected therewith. The Limitation Act, 1963 (The Act 36 of 1963) received the assent of the President on the 5th October 1963 and was published on the same date in the Gazette of India Extraordinary Part II S 1 and the same has been amended in 1964, 1969, 1974, 1976 and 1999. Though the Limitation Act, 1963 has come into force from 1st January, 1964, the case laws relating to

different Sections and Articles of the Limitation Acts, 1859 and 1908 which are similar or near to the Sections and Articles of the Limitation Act, /963 have been presented in this volume under the relevant Sections and Articles of the Present Limitation Act, 1963 as the Law of Limitation is a continuous one.