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(1) In *Town Municipal Council v. Presiding Officer, Labour Court*, (AIR 1969 SC 1335), it has been held that the Limitation Act is not applicable to a proceeding under Section 33C(2) of the Industrial Disputes Act, 1947. (2) In *Venkateswara Rao v. Narasimha Reddy*, (AIR 1969 SC 872), it has been held that the Limitation Act, 1963 does not apply to election petition inasmuch as the Representation of People Act, 1951 is a complete and self-contained Code which does not admit the introduction of the provisions of Limitation Act. (3) In *UCO Bank v. H.*

C. Sarkar, (AIR 1990 SC 1329), the Supreme Court has held that in practice the bankers do not set up the statute of Limitation against their customers or their legal representatives. (4) In *Vijai Raje Scindia v.*

State of U. P., (AIR 1986 SC 756), the Supreme Court has held that the dismissal of writ petition by High Court on the ground that it was not filed within 90 days of the date on which impugned order was passed by the executive authority as no limitation is prescribed for the purpose of filing a writ petition against an executive action. (5) In *Sudarshan Pande v.*

Lakshmidhar Pande, (AIR 1983 Ori. 132), it has been held that an application for a final decree in a suit for partition is not governed by any provision of Limitation Act, 1963 as the final decree proceeding is a continuation of the suit. (6) In *Union of India v. Kiroo Mai*, (AIR 1952 Punj.

423), it has been held that the Limitation Act applies only to such application as a party is bound to make to obtain the relief he seeks but does not apply where the application relates to action which the Court ought to take suo motu irrespective of whether the parties applied for it or not. (7) There is no

bar of limitation to invoke the jurisdiction of the Courts under Section 151 of the Civil Procedure Code for correction of accidental slip or omission in judgments, orders or decrees for clerical errors. (8) In addition to the above list of applications which are not covered by the Limitation Act, 1963, the following applications are not covered by the same Act: (i) an application for a succession certificate to collect the debts due to the estate of a deceased person, [in *Janaki v. Kesavulu*, 8 Mad. 207 (208)]. (ii) An application for probate or letters of administration (*Kalinath v.*

Nagendra Nath, AIR 1959 Cal. 81). (iii) An application for revocation of a probate.

[*Aswini Kumar v. Sukhaharam*, AIR 1931 Cal. 717]. (iv) An application under the Religious Endowments Act, or an application for the appointment of new trustees. [*Janaki v.*

Kesavulu, 8 Mad. 207 (208)]. (v) An application to a Court to exercise the functions of a ministerial character (e. g. an application for the grant of a sale certificate. (*Lakshmibai v. Tukaram*, AIR 1930 Nag.

206). (vi) An application invoking the inherent powers of Court. (*Beeravu Kathiyamma*, AIR 1973 Ker.

226). (vii) An application to a Court to do what the Court is bound to do. (*Darbo v. Kesho*, 9 All.

364). The Act applies only to the applications to Court and has no applicability to proceeding other than the law Courts. The provisions of the Limitation Act, 1963 are applicable only in relation to certain applications

and not all applications despite the fact that the words “ other proceedings” were added in the long title of the Act in 1963. In *L. S. Synthetics Ltd. v. Fairgrowth Financial Services Ltd.*

, [(2004) 11 SCC 456], the Supreme Court has held that the provisions of the Act are not applicable to proceedings before bodies of other than Courts, such as a quasi-judicial tribunal or even an executive authority. (9) In *àđu v. àđu*, (ILR 39 Mad. 750) it has been held that the Limitation Act does not apply to criminal proceedings unless it is made applicable to them by express provisions.

Periods of limitation have been provided for appeals under the Criminal Procedure Code in Articles 114 and 115. Article 131 of the Limitation Act applies to application of criminal revision. In *Villuri v. Rama Rao*, (AIR 1925 Mad. 186), it has been held that there is no limitation generally for filing a complaint of a criminal offence unless a penal law creating the offence prescribes any period within which the complaint has to be made in respect thereof. (10) As the petition under Article 32 of the Constitution is not a suit nor is it a petition or application to which the Limitation Act applies, the provision of Limitation Act will not apply to petition filed by a party to the Supreme Court. No period of limitation is prescribed in the Constitution for filing a petition under Art.

32 of the Constitution. (11) In *State of M. P. v. Bhailal Bhat*, (AIR 1964 SC 1066), the Supreme Court has held that the High Court should almost always refuse relief applied under Article 226 of the Constitution if the delay is more than the statutory period of limitation.

Even though no period of limitation as such is prescribed for an application under Article 226 of the Constitution, the Court has some discretionary power to allow. (12) The Limitation Act is applicable to suits brought by the plaintiff; it does not apply to a right set up by the defendant in defence. A defendant will not be precluded from setting up a right by way of defence, even if he could not have done so as plaintiff by way of substantial claim.