

The filed within the
period of limitation or



The Government issued a Notification No. SO 3118 dated 29th October, 1963 and published it in the Gazette of India, Part II, S. 3(ii), page 3918 dated 9th November, 1963 stating that the Act comes into force from 1st January, 1964.

(b) Extent of the Act:

As per Section 1(2), the Limitation Act, 1963 extends to the whole of India except the State of Jammu and Kashmir. The application of the Limitation Act, 1963 has two exemptions, namely,— (i) It is not applied in the State of Jammu and Kashmir as per Section 1(2) of the Act.

(ii) As per judgment in *Singma Sangma Mechik v. Khilji Sangma Mechik*, (AIR 1969 Assam 22), the Act does not apply to disputes between members of a Schedule Tribe e. g. Garo (due to applicability of Customary Law of Tribes).

(c) Applicability in the State of Nagaland, Goa and Sikkim

(i) In the State of Nagaland: In *Temzenkaba v. Temjenwato*, [(2002) 10 SCC 597], the Supreme Court in appeal by special leave against the decision of Gauhati High Court has held that the Limitation Act, 1963, is applicable to the State of Nagaland and its applicability to that State is not barred by Art. 371 (I)(a)(iii) of the Constitution. (ii) In the State of Sikkim: The Limitation Act, 1963 has been extended to the State of Sikkim for the first time with effect from 1st September, 1984.

Therefore, since that date, the Court has to consider as to whether a suit has been filed within the period of limitation or not. In *Karma Denka Bhutia v. Sarki Lamu*, (AIR 2004 Sikkim 33), the High Court has held that the findings

of the District Judge that the period of limitation would be governed as prescribed in the Notification No.

1067/ J dated 10th May, 1932 of the Sikkim State Judicial Department is improper because since the Limitation Act, 1963 had come into force with effect from 1st September, 1984, any suit filed after that date would be governed by the provisions of the Limitation Act, 1963 though the transaction had taken place on 25th January, 1979. (iii) In the State of Goa: Though the State of Goa is a State of India, the Supreme Court of India, in *Syndicate Bank v. Arabha D. Naik*, [(2002) 10 SCC 686], referred the matter to be placed before a larger bench as the application of the Limitation Act, 1963 in Goa requires interpretation of Article 535 of the Portuguese Civil Code.