

THE
INDIAN LIMITATION ACT

(ACT IX of 1908).

V. S. DESAI, B. A., LL. B.

Price Rs. 2/-

The Indian Limitation Act.
(ACT IX of 1908.)

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WITH

*Explanatory Notes, references to important All India Decisions upto
November 1926, a short but exhaustive Summary of the sections
and articles in the Act and answers to questions of the
LL. B. Examinations of the Bombay and
Nagpur Universities.*

WITH A FOREWORD

BY

Principal J. R. GHARPURE, B. A., LL. B. (Hons.).

BY

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Pleader, Poona.

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To
Anant Ganesh Desai, Esquire, *B. A., LL. B.*
Pleader, High Court of Judicature at Bombay.

THIS BOOK
IS
MOST RESPECTFULLY AND GRATEFULLY
DEDICATED.

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Abbreviations used.

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All. or A., Bom. or B., Cal. or C., Lah. or L., Mad. or M., Pat., R. or Rang.	}	Indian Law Reports—Allahabad, Bombay, Calcutta, Madras, Patna and Rangoon series respectively.
A. I. R. All. or A., Bom. or B., Cal. or C., Lah. or L., M. or Mad., Nag. or N., Oudh or O., Pat. or P., P. C., R., S.	}	All India Reporter—Allahabad, Bombay, Lahore, Madras, Nagpur, Oudh, Patna, Privy Council, Rangoon and Sindh respectively.
Bom. L. R.	...	Bombay Law Reporter.
A. L. J.	...	Allahabad Law Journal.
C. L. J.	...	Calcutta Law Journal.
C. W. N.	...	Calcutta Weekly Notes.
I. A.	...	Indian Appeals.
I. C.	...	Indian Cases.
Lah. L. J. or L. L. J.	...	Lahore Law Journal.
M. L. J. and M. L. T.	...	Madras Law Journal and Times respectively.
M. W. N.	...	Madras Weekly Notes.
N. L. J. and N. L. R.	...	Nagpur Law Journal and Reports respectively.
O. and A. L. R.	...	Oudh and Agra Law Reports.
O. C.	...	Oudh Cases.
P. L. R.	...	Punjab Law Reporter.
Pat. L. J. and Pat. L. R.	...	Patna Law Journal and Reports respectively.

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PREFACE.

—:0:—

While studying for the LL. B. Examination, the want of an adequate hand-book on Limitation was very keenly felt. Some of the books on the subject were too exhaustive for students and were not helpful from the point of view of examination; while others intended to be mere summaries left the student quite helpless for getting any appreciable grasp of the subject. A book was needed which would give the student a thorough understanding of the subject, and would at the same time help him at the time of the examination. This book is intended primarily to answer this two-fold want. I believe, that such a want exists even at the date of the publication of this book.

The commentary has been so written as to give the student a thorough grasp of the subject. All important issues under the Act have been briefly discussed. The summary given at the end of the Act would help the student to memorize the subject at the time of the examination.

Nevertheless, it is sought to make the book useful to Practitioners. In that respect, there are no great pretensions. But as all important All India Decisions have been noted up to the end of October 1926, the book would be, it is hoped, of use to Practitioners as a book of ready reference.

Principal J. R. Gharpure has obliged me immensely by kindly writing a foreword to this meagre attempt in law.

I am thankful to Mr. D. G. Khandekar for the keen interest he has taken in the printing and publication of this book.

POONA,
24th November 1926.

}
V. S. D.

FOREWORD.

—:o:—

In the following pages, Mr. Desai has given the text of the Indian Limitation Act. The text of each section or article is followed by short references to cases, throwing light on the text, and this has further annexed to it a short summary of the case-law on the point.

A Law of Limitation is one of those laws, which, while it is founded generally on the broad principles of law, equity and exigencies of human relations, is at the same time more or less arbitrary. For, while the Jurist would generally recommend that causes of action, the foundation and existence of which are likely to vanish soon, should be tried earlier than others which have more or less a lasting basis for their origin and continuation, the Legislator has to mark off the period somewhere and this has to be done more or less arbitrarily. There is no reason why a suit which was perfectly in time on the 31st of December upto 12 midnight, should get out of time immediately the midnight hour has chimed off. Here the Legislator has to cut the knot. An enactment of such a character, when presented to students can illbear a long train of cases or comments which would all be an encumbrance obscuring their vision. Mr. Desai has kept this in view and has tried to avoid such a block in the student's path. The importance and usefulness of the present compilation lies in the fact that it was prepared by a student while yet a student, and from the point of view of a student, and it is hoped that the student will find in it a helpful friend and guide. But although the book is frankly intended for the student, the busy practitioner will find a friendly gesture in the string of cases at the end of each section or article.

I wish the book every success, enabling Mr. Desai to undertake similar compilations.

LAW COLLEGE,

Poona, 21-11-26.

}

J. R. GHARPURE.

ERRATA.

—:o—

N. B.—Readers are requested to make the following corrections (at least those marked with asterisks) before going through the Book.

				Incorrect.	Correct.
P.	1	from top lines 26 & 27—	for 'entered into a	'entered into in a	
			Native State	Native State'	
P.	4	"	"	28	—for 'force of facts'—face of facts
P.	6	"	"	26 & 27—	for 'section be made—section may be made
P.	6	"	"	8	—for Cest qui trust'—Cestui que trust
P.	6	"	"	11	—for 'is governed' --are governed
P.	35	"	"	34	—, 'Limitation is reckoned
					reckoned
P.	39	"	"	23	—, 'loses'
					—loses
P.	61	"	"	25 & 31—	,, 'barrowed'
					—'borrowed'
P.	63	"	"	2	—, 'protect'
					—protect
P.	66	"	"	22	—, 'waves'
					—'waives'
P.	80	"	"	16, 24	—, 'recession'
					—'recession'
P.	82	"	"	12	—, '16'
					—'116'
P.	82	"	"	29	—, 'or purchase money'
					—of purchase money
P.	97	"	"	18	—, 'conformed'
					—confirmed
P.	98	"	"	13	—, 'for life estates'—for life
P.	109	"	"	5	—, 'becomes'
					—became
P.	112	"	"	1	—, 'laws'
					—law
P.	115	"	"	1	—, APPLICATION—APPLICATIONS
P.	117	"	"	36	—, 'by the'
					—under the
*P.	119	"	"	23	—, 'article 18,'
					—article 181
P.	131	"	"	1	—, 'order'
					—application
*P.	131	"	"	32	—, 'Review'
					—Revive
*P.	134	"	"	38	—, 'Preliminary'
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P.	137	"	"	27	—, 'date is specified—date so specified
P.	139	"	"	38	—, 'Pears'
					—Years
P.	140	"	"	1	—, 'sec. 14 & sec 20'—secs. 19 and 20
P.	140	"	"	33	—, 'amounting to
					—amounts to
*P.	144	"	"	27	—, 'in the suit Pro-
					—in the suit property,
					pty. During the
					pendancy &c." pendanty &c.
*P.	144	"	"	10	—, 'titl: Defendant,'—'title',

N. B.—For the word 'accrua' read 'accruer'

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