

A.R. 1217234

INNESS' GOVERNMENT, JAMMU AND KASHMIR.

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TATION REGULATION NO. IX

OF

1995.



JAMMU :

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1938.

THE LIMITATION REGULATION NO. IX OF 1995.

A Regulation to consolidate and amend the Law for the Limitation of Suits and for other purposes.

Whereas it is expedient to consolidate, and amend the law relating to limitation of suits, appeals and certain applications to courts : and

Whereas it is also expedient to provide rules for acquiring by possession the ownership of property it is hereby enacted as follows :—

PART I.

PRELIMINARY.

1. *Short title and extent.*—(i) This Regulation may be called the Limitation Regulation No IX of 1995.

(ii) It extends to the whole of Jammu and Kashmir State including the Illaqa of Poonch and Chenani.

(iii) It shall come into force one year after the date when after receiving the assent of His Highness the Maharaja Bahadur it is published in the Government Gazette.

2. *Definitions.*—In this Regulation unless there is anything repugnant in the subject or context :—

- (1) "Applicant" includes any person from or through whom an applicant derives his right to apply.
- (2) "Bills of exchange" includes a hundi, Brat and a cheque.
- (3) "Bond" includes any instrument whereby a person obliges himself to pay money to another on condition that the obligation shall be void if a specified act is performed, or is not performed as the case may be.
- (4) "Defendant" includes any person from or through whom a defendant derives his liability to be used.
- (5) Omitted.
- (6) "Foreign country" means any country other than the State.
- (7) "Good faith" nothing shall be deemed to be done in good faith which is not done with due care and attention.
- (8) "Plaintiff" includes any person from or through whom a plaintiff derives his right to sue.

- (9) "Promissory note" means any instrument whereby the maker engaged absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight.
- (10) "Suit" does not include an appeal or an application and
- (11) "Trustee" does not include a benamidar, a mortgagee remaining in possession after the mortgagee has been satisfied, or a wrong-doer in possession without title.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

3. *Dismissal of suits, etc., instituted, etc. after period of limitation.*—Subject to the provisions contained in Sections 4 to 25 (inclusive), every suit instituted, appeal preferred and application made, after the period of limitation prescribed therefor by the first schedule shall be dismissed, although limitation has not been set up a defence.

Explanation.—A suit is instituted, in ordinary case, when the plaint is presented to the proper officer in the case of a pauper, when his application for leave to sue as a pauper is made; and, in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

4. *Where Court is closed when period expires.*—Where the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made, on the day that the Court re-opens.

5. *Extension of period in certain cases.*—An appeal or an application for a review of a judgment or for leave to appeal or an application to set aside an order of dismissal of a suit for plaintiff's default or an application to set aside a decree passed ex-parte in an original suit or appeal or an application to bring the heirs of a deceased party on the record or an application to set aside an order of abatement of a suit or appeal or any other application to which this section may be made applicable by or under an enactment for the time being in force may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or applicant was

misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

6. *Legal disability.*—(1) Where a person entitled to institute a suit or make an application for the execution of a decree is, at the time from which the period of limitation is to be reckoned, a minor or insane or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the first schedule.

(2) Where such person is at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where before his disability has ceased he is affected by another disability, he may institute the suit or make the application within the same period after both disabilities have ceased as would otherwise have been allowed from the time so prescribed.

(3) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

(4) Where such representative is at the date of the death affected by any such disability the rules contained in sub-section (1) and (2) shall apply.

Illustrations.—(a) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accrues. He may institute his suit at any time within three years from the date of his attaining majority.

(b) A right to sue accrues to X during his minority. After the accrues, but while X is still a minor, he becomes insane. Time runs against X from the date when his insanity and minority cease.

(c) A right to sue accrues to X during his minority, X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

7. *Disability of one of several plaintiffs or applicants.*—Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree is under any such disability, and a discharge can be given without the concurrence of such person, time will run against them all; but where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

Illustrations.—(a) A incurs a debt to a Firm of which B, C and D are partners. B is insane, and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(b) A incurs a debt to a Firm of which E, F and G are partners, E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

8. *Special exceptions.*—Nothing in Section 6 or in Section 7 applies to suits to enforce rights of prior purchase, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

Illustrations.—(a) A, to whom a right to sue for a legacy has accrued during his minority, attains majority, eleven years after such accruer. A has, under the ordinary law only one year remaining within which to sue. But under Section 6 and this Section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(b) A right to sue for an hereditary office accrues to A who at the time is insane. Six years, after the accruer, A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under Section 6 read with this Section.

(c) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest, has, under ordinary law, nine years from the date of A's death within which to bring a suit. Section 6 read with this Section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

9. *Continuous running of time.*—Where once time has begun to run no subsequent disability or inability to sue stops it :

Provided that, where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for the suit to recover the debt shall be suspended while the administration continues.

10. *Suits against express trustees and their representatives.*—Notwithstanding anything hereinbefore contained no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property or the proceed thereof, or for an account of such property or proceeds, shall be barred by any length of time.

For the purposes of this section any property comprised in a Hindu, Mohammedan, Buddhist religious or charitable endowment

shall be deemed to be property vested in trust for a specific purpose, and the manager of any such property shall be deemed to be the trustee thereof.

11. *Suits on foreign contracts.*—(1) Suits instituted in the State on contracts entered into in a foreign country are subject to the rules of limitation contained in this Regulation.

(2) No foreign rule of limitation shall be a defence to a suit instituted in the State on a contract entered into in a foreign country, unless the rule has extinguished the contract and the parties were domiciled in such country during the period prescribed by such rule.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

12. *Exclusion of time in legal proceedings.*—(1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

(2) In computing the period of limitation prescribed for an appeal an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed, shall be excluded. In an appeal from an appellate decree or order so much of the time requisite for obtaining a copy of the judgment of the court of first instance for the purpose of being filed with the memorandum of appeal shall also be excluded as may be in excess of the time spent in obtaining a copy of the decree or order appealed against and that of the judgment on which the said decree is founded, but no part of the time common to the copies shall be counted twice over.

Illustration.—An application for copy of the decree appealed against and the judgment on which the said decree is founded is made on the 10th of June. An application for copy of the first court's judgment is made on the 25th June. The period requisite for the supply of copies under the first application runs up to the 5th of July and under the second to the 10th July. The time common to the copies from the 25th of June to the 5th of July shall be counted only once.

(3) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded. Where in filing a second appeal it is incumbent on the appellant to file a copy of the judgment of the first court, the time requisite for obtaining such copy shall be excluded.

(4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

Explanation.—The time requisite for obtaining a copy will be the time between the date when the estimated cost of a copy is paid in by the applicant in accordance with the order passed in this respect and the date when the copy is ready and a notice is put up notifying the fact. The day of paying the cost of the copy and the day on which the copy is delivered will both be excluded.

13. *Exclusion of time of defendants' absence from the State.*—In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from the State shall be excluded.

14. *Exclusion of time proceeding bonafide in court without jurisdiction.*—(1) In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with the due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court, which from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation prescribed for any application, the time during which the applicant has been prosecuting with the due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prescribed in good faith in a Court which from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

Explanation I.—In excluding the time during which a former suit or application was pending, the day on which that suit or application was instituted or made, and the day on which the proceeding therein ended, shall both be counted.

Explanation II.—For the purposes of this section, a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding.

Explanation III.—For the purposes of this section misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

Explanation IV.—In suitable cases proceedings in the Revenue Department may come within the expression civil proceedings as used in the section.

15. *Exclusion of time during which proceedings are suspended.*—(1) In computing the period of limitation prescribed for any suit or application for the execution of a decree the institution or

execution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded.

(2) In computing the period of limitation prescribed for any suit of which notice has been given in accordance with requirements of any enactment for the time being in force, the period of such notice shall be excluded.

16. *Exclusion of time during which proceedings to set aside execution sale are pending.*—In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which a proceeding to set aside the sale has been prosecuted shall be excluded.

17. *Effect of death before right to sue accrues.*—(1) Where a person who would if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(2) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(3) Nothing in sub-section (1) and (2) apply to suits to enforce rights of prior purchase or to suits for the possession of immovable property or of an hereditary office.

18. *Effect of fraud.*—Where any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded,

or where any document necessary to establish such right has been fraudulently concealed from him, the time limited for instituting a suit or making an application :—

- (a) against the person guilty of the fraud or accessor thereto, or
 - (b) against any person claiming through him otherwise than in good faith and for a valuable consideration,
- shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

19. *Effect of acknowledgment in writing.*—(1) Where, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed.

Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but, subject to the provisions of the Evidence Regulation (XIII of 1977 S.) oral evidence of its contents shall not be received.

Explanation I.—For the purposes of this section an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation II.—For the purposes of this section “signed” means signed either personally or by an agent duly authorised in this behalf.

Explanation III.—For the purposes of this section an application for the execution of a decree or order is an application in respect of a right.

20. *Effect of payment of interest as such or of part payment of principal.*—(1) Where interest on a debt or legacy is before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorised in this behalf,

or where part of the principal or a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorised in this behalf, a fresh period of limitation shall be computed from the time when the payment was made:

Provided that an acknowledgment of the payment appears in the handwriting of, or in a writing signed by the person making the payment.

(2) *Effect of receipt of produce of mortgaged land.*—Where mortgaged land is in the possession of mortgagee, the receipt of the rent or produce of such land shall be deemed to be a payment for the purpose of sub-section (1).

Explanation.—Debt includes money payable under a decree or order of Court.

21. *Agent of person under disability.*—(1) The expression

“agent” duly authorised in this behalf in Section 19 and 20 shall, in the case of a person under disability, include his lawful guardian, committee or manager, or an agent duly authorised by such guardian, committee or manager to sign the acknowledgment or make the payment.

(2) *Acknowledgment or payment by one of several joint contractors etc.*—Nothing in the said sections rendered one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed or of payment made by, or by the agent of, any other or others of them.

(3) For the purposes of the said Sections:—

(a) An acknowledgment signed, or payment made, in respect of any liability, by, or by the duly authorised agent of, any widow or other limited owner of property who is governed by the Hindu law, shall be a valid acknowledgment or payment, as the case may be, against a reversioner succeeding to such liability; and

(b) Where liability has been incurred by, or on behalf of, a Hindu undivided family as such, an acknowledgment or payment made by, or by the duly authorised agent of, the Manager of the family for the time being shall be deemed to have been made on behalf of the whole family.

22. *Effect of substituting or adding new plaintiff or defendant.*—(1) Where, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party.

(2) Nothing in sub-section (1) shall apply to a case where a party is added or substituted owing to an assignment or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.

23. *Continuing breaches and wrongs.*—In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

24. *Suits for compensation for act not actionable without special damage.*—In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

Illustration.—A owns the surface of a field, B owns the sub-soil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

25. *Computation of time mentioned in instruments.*—All instruments shall for the purpose of this Regulation be deemed to be made with reference to the Bikarmi calendar.

Illustration.—(a) A Hindu makes a promissory note bearing a native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiration of four months after date computed according to the Bikarmi calendar.

(b) A Hindu makes a bond, bearing a native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiration of one year after date computed according to the Bikarmi calendar.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

26. Omitted.

27. Omitted.

28. *Extinguishment of right to property.*—At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

PART V.

29. *Savings.*—(1) Nothing in this Regulation shall affect Section 25 of the Contract Regulation (IX of 1977 S.).

(2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed therefor by the first schedule, the provisions of Section 3 shall apply as if such period were prescribed therefor in that schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law—

(a) the provisions contained in Section 4, Section 9 to 18 and Section 22 shall apply only in so far as and to the extent to which they are not expressly excluded by such special or local law and;

(b) the remaining provisions of this Regulation shall not apply.

30. *Provision for suits for which the period prescribed is shorter than that prescribed by the Limitation Regulation of 1977.*—Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Regulation is

shorter than the period of limitation prescribed by the Limitation Regulation 1977, may be instituted within the period of $1\frac{1}{2}$ years next after this Regulation comes into force or within the period prescribed for such suit by the Limitation Regulation of 1977, whichever period expires first.

31. *Saving of limitation as regards pending suits.*—No suit, appeal or other proceeding pending in any Court at the date of the commencement of this Regulation shall be dismissed on the ground that it is barred by limitation, provided it was not so barred at the date of its institution under the Limitation Regulation of 1977.

32. *Repeal.*—The Limitation Regulation XXIV of 1977 is hereby repealed.

THE FIRST SCHEDULE.

(SEE SECTION 3)

First Division—Suits.

Description of suit.	Period of limitation.	Time from which period begins to run.
PART I. (THIRTY DAYS)		
1. To contest an award under the Waste Land Rules.	Thirty days.	When notice of the award is delivered to the plaintiff.
PART II. (NINETY DAYS)		
2. For compensation for doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being in the State.	Ninety days.	When the act or omission takes place.
PART III. (SIX MONTHS)		
3. Under the Specific Relief Regulation section 9, to recover possession of immovable property.	Six months.	When the dispossession occurs.
4. Omitted.		

Description of suit.	Period of limitation.	Time from which period begins to run.
PART IV. (ONE YEAR)		
5. Omitted.		
6. Upon any law or bye-law, for penalty or forfeiture.	One year.	When the penalty or forfeiture is incurred
7. For the wages of a household servant, artisan or labourer.	"	When the wages accrue due.
8. For the price of food or drink sold by the keeper of a hotel, tavern or lodging house.	"	When the food or drink is delivered.
9. For the price of lodging.	"	When the price becomes payable.
10. To enforce a right of prior purchase whether based on law, usage or on special contract.	"	When the purchase takes, under the sale sought to be impeached, physical possession of the whole of the property sold, or where the subject of the sale does not admit of physical possession, when the registration of the instrument of sale is completed.
11. By a person against whom the following order has been made to establish the right which he claims to the property comprised in the order:—	"	From the date of an order.

Order under the Code

Description of suit.	Period of limitation.	Time from which period begins to run.
of Civil Procedure on a claim preferred to, or an objection made to the attachment of property attached in execution of a decree.		
11-A. By a person against whom an order has been made under the Code of Civil Procedure, upon an application by the holder of a decree for the possession of immovable property or by the purchaser of such property sold in execution of a decree, complaining of resistance or obstruction to the delivery or possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree-holder or purchaser to establish the right which he claims to the present possession of the property comprised in the order.	One year.	The date of the order.
12. To set aside any of the following sales:— (a) Sale in execution of a decree of Civil Court;	„	When the sale is confirmed or would otherwise have become final and conclusive had no such suit been brought.

Description of suit.	Period of limitation.	Time from which period begins to run.
(b) Sale in pursuance of a decree or order of a Collector or other officer of Revenue;		
(c) Sale for arrears of Government revenue or for any demand recoverable as such arrears.		
13. To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.	One year.	The date of the final decision or order in the case by a Court competent to determine it finally.
14. To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.	„	The date of the Act or order.
15. Against Government to set aside any attachment, lease or transfer of immovable property by the Revenue authorities for arrears of Government revenue.	„	When the attachment, lease or transfer is made.
16. Against the Government to recover money paid under protest in satisfaction of a claim made by the Revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	„	When the payment is made.

Description of suit.	Period of limitation.	Time from which period begins to run.
17. Against Government for compensation for land acquired for public purposes.	One year.	The date of determining the amount of compensation.
18. Like suit for compensation when the acquisition is not completed.	"	The date of the refusal to complete.
19. For compensation for false imprisonment.	"	When the imprisonment ends.
20. By executive administrators or representatives under the Legal Representatives Suits Regulation.	"	The date of the death of the person wronged.
21. By executors, administrators or representatives under the Fatal Accidents Regulation.	"	The date of the death of the person killed.
22. For compensation for any other injury to the person.	"	When the injury is committed.
23. For compensation for a malicious prosecution.	"	When the plaintiff is acquitted or the prosecution is otherwise terminated.
24. For compensation for libel.	"	When the libel is published.
25. For compensation of slander.	"	When the words are spoken or, if the words are not actionable in themselves, when the special damage complained of results.
26. For compensation for loss of service occasioned by the reduction of	"	When the loss occurs.

Description of suit.	Period of limitation.	Time from which period begins to run.
the plaintiff's servant or daughter.		
27. For compensation for inducing a person to break a contract with the plaintiff.	One year.	The date of the breach.
28. For compensation for an illegal, irregular or excessive distress.	"	The date of the distress.
29. For compensation for wrongful seizure of movable property under legal process.	"	The date of seizure.
30. Against a carrier for compensation for losing or injuring goods.	"	When the loss or injury occurs.
31. Against a carrier for compensation for non-delivery of, or delay in delivering goods.	"	When the goods ought to be delivered.
PART V.		
(TWO YEARS)		
32. Against one who having a right to use property for specific purposes, perverts it to other purposes.	Two years.	When the perversion first becomes known to the person injured thereby.
33. Under the Legal Representatives' Suits Regulation against an executor.	"	When the wrong complained of is done.
34. Under the same Regulation against an administrator.	"	" "

Description of suit.	Period of limitation.	Time from which period begins to run.
35. Under the same Regulation against any other representative.	Two years.	When the wrong complained of is done.
36. For compensation for any malfeasance or non-feasance independent of contract and not herein specially provided for.	„	When the malfeasance, misfeasance or non-feasance taken place.
PART VI.		
(THREE YEARS.)		
37. For compensation for obstructing a way or a water course.	Three years.	The date of the obstruction.
38. For compensation for diverting a water course.	„	The date of the diversion.
39. For compensation for trespass upon immovable property.	„	The date of the trespass.
40. For compensation for infringing copyright or any other exclusive privilege.	„	The date of the infringement.
41. To restrain waste ...	„	When the waste begins.
42. For compensation for injury caused by an injunction wrongfully obtained.	„	When the injunction ceases.
43. To compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	„	The date of the payment or distribution.

Description of suit.	Period of limitation.	Time from which period begins to run.
44. By a ward who has attained majority, to set aside a transfer of property by his guardian.	Three years.	When the ward attains majority.
45. Omitted.		
46. Omitted.		
47. By any person bound by an order respecting the possession of immovable property made under the Code of Criminal Procedure or by anyone claiming under such person to recover the property comprised in such order.	„	The date of the final order in the case.
48. For specific movable property lost or acquired by theft, or dishonest misappropriation or conversion, or the compensation for wrongfully taking or detaining the same.	„	When the person having the right to the possession of the property first learns in whose possession it is.
48-A. To recover movable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depository or pawnee for a valuable consideration.	„	When the sale becomes known to the plaintiff.

Description of suit.	Period of limitation.	Time from which period begins to run.
48-B. To set aside sale of movable property comprised in a Hindu, Mohammedan or Buddhist religious or charitable endowment made by a Manager thereof for a valuable consideration.	Three years.	When the sale becomes known to the plaintiff.
49. For other specific movable property or for compensation for wrongfully detaining the same.	"	When the property is wrongfully taken or injured, or when the detainer a possession's becomes unlawful.
50. For the hire of animals, vehicles, boats or household furniture.	"	When the hire becomes payable.
51. For the balance of money advanced in payment of goods to be delivered.	"	When the goods ought to be delivered.
52. For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	"	The date of the delivery of the goods.
53. For the price of goods sold and delivered to be paid for after the expiry of fixed period of credit.	"	When the period of credit expires.
54. For the price of goods sold and delivered to be paid for by a bill of exchange no such bill being given.	"	When the period of the proposed bill elapses.

Description of suit.	Period of limitation.	Time from which period begins to run.
55. For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Three years.	The date of the sale.
56. For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	"	When the work is done.
57. On a policy of insurance, when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	"	When proof of the death or loss is given to or received by the insurer, whether by or from the plaintiff, or any other person.
58. By the assured to recover premia paid under a policy voidable at the election of the insurers.	"	When the insurers elect to avoid the policy.
59. Against a factor for an account.	"	When the account is, during the continuance of the agency demanded and refused or, where no such demand is made, when the agency terminates.
60. By a principal against his agent for movable property received by the latter and not accounted for.	"	When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.

Description of suit.	Period of limitation.	Time from which period begins to run.
61. Other suits by principals against agents for neglect or misconduct.	Three years.	When the neglect or misconduct becomes known to the plaintiff.
62. To cancel or set aside an instrument not otherwise provided for.	„	When the facts entitling the plaintiff to have the instrument cancelled or set aside becomes known to him.
63. To declare the forgery of an instrument issued or registered.	„	When the issue or registration becomes known to the plaintiff.
64. To declare the forgery of an instrument attempted to be enforced against the plaintiff.	„	The date of the attempt
65. For property which the plaintiff has conveyed while insane.	„	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
66. To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	„	When the fraud becomes known to the party wronged.
67. For relief on the ground of mistake.	„	When the mistake becomes known to the plaintiff.
68. For money paid upon an existing consideration which afterwards fails.	„	The date of the failure.

Description of suit.	Period of limitation.	Time from which period begins to run.
59. To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Three years.	The date of the trustee's death, or if the loss has not then resulted the date of the loss.
70. For contribution by a party who has paid the whole or more than his share of the amount due under a joint decree, or by a sharer in a joint estate who has paid the whole or more than his share of the amount of revenue or rent due from himself and his co-sharers.	„	The date of the payment in excess of the plaintiff's own share.
71. By a co-trustee to enforce against the estate of deceased trustee a claim for contribution.	„	When the right to contribution accrues.
72. For a boatman's wages	„	The end of the trip during which wages are earned.
73. For wages not otherwise expressly provided for by this schedule.	„	When the wages accrue due.
74. By a Mohammedan for exigible dower (Mouajjal).	„	Whenever the dower is demanded and refused or when marriage is dissolved by death or divorce.
75. By a Mohammedan for deferred dower (Mouajjal.)	„	When the marriage is dissolved by death or divorce. In the case of divorce pronounced in wife's absence, whether she becomes aware of the fact.

Description of suit.	Period of limitation.	Time from which period begins to run.
76. By a mortgager after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Three years.	When the mortgager re-enters on the mortgaged property.
77. For an account and a share of the profits of a dissolved partnership.	„	The date of dissolution.
78. By the Manager of a joint estate of an undivided family for contribution, in respect of a payment made by him on account of the estate.	„	The date of the payment.
79. By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	„	When the trees are cut down.
80. For the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant.	„	When the profits are received.
81. For arrears of rent, whether accrued by a registered deed or not.	„	When the arrears become due.
82. By vendor of immovable property for personal payment of unpaid purchase money.	„	The time fixed for completing the sale or (where the title is accepted) after the time fixed for completion the date of the acceptance.

Description of suit.	Period of limitation.	Time from which period begins to run.
83. For a call by a Company registered under law.	Three years.	When the call is payable.
84. For specific performance of a contract.	„	The date fixed for the performance or if no such date is fixed when the plaintiff has notice that performance is refused.
85. For a rescission of a contract.	„	When the facts entitling the plaintiff to have the contract rescinded first becomes known to him.
86. For compensation for the breach of any contract express or implied not in writing registered and not herein specially provided for.	„	When the contract is broken or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.
PART VII.		
(SIX YEARS)		
87. For money payable for money lent.	Six years.	When the loan is made.
88. Like suit when the lender has given a cheque for the money.	„	When the cheque is paid.
89. For money lent under an agreement that it shall be payable on demand.	„	When the loan is made.

Description of suit.	Period of limitation.	Time from which period begins to run.
90. For money deposited under an agreement that it shall be payable on demand including money of a customer in the hands of his banker so payable.	Six years.	When the demand is made.
91. For money payable by the plaintiff for money paid for defendant.	"	When the money is paid.
92. For money payable by the defendant to the plaintiff for money received by the defendant for plaintiff for plaintiff's use.	"	When the money is received.
93. For money payable for interest upon money due from the defendant to the plaintiff.	"	When the interest becomes due.
94. For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on account stated between them.	"	When the accounts are stated in writing signed by the defendant or his agent duly authorised in this behalf, unless when the debt is, by a simultaneous agreement in writing signed as aforesaid made payable at a future time, and then when that time arrives.
95. For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	"	When the time specified arrives or the contingency happens.

Description of suit.	Period of limitation.	Time from which period begins to run.
96. On a single bond where a day is specified for payment.	Six years.	The day so specified.
97. On a single bond, where no such day is specified.	"	The date of executing the bond.
98. On a bond subject to a condition.	"	When the condition is broken.
99. On a bill of exchange or promissory note payable at a fixed time after date.	"	When the bill or note falls due.
100. On a bill of exchange payable at sight or after sight, but not at a fixed time.	"	When the bill is presented.
101. On a bill of exchange accepted payable at a particular place.	"	When the bill is presented at that place.
102. On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	"	When the fixed time expires.
103. On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	"	The date of the bill or note.

Description of suit.	Period of limitation.	Time from which period begins to run.
104. On a promissory note or bond payable by instalments.	Six years.	The expiration of the first term of payment as to the part then payable, and for the other parts the expiration of the respective terms of payment.
105. On a promissory note or bond payable by instalments, which provides that if default be made in payment of one or more instalments, the whole shall be due.	„	At the option of the plaintiff, on the default of any instalments or when the whole amount falls due.
106. On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	„	The date of the delivery to the payee.
107. On a dishonoured foreign bill where protest has been made and notice given.	„	When the notice is given.
108. By the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.	„	The date of the refusal to accept.
109. By the acceptor of an accommodation bill against the drawer.	„	When the acceptor pays the amount.
110. Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	„	When the bill, note or bond becomes payable.

Description of suit.	Period of limitation.	Time from which period begins to run.
111. By a surety against the principal debtor.	Six years.	When the surety pays the creditor.
112. By a surety against a co-surety.	„	When the surety pays anything in excess of his own share.
113. Upon any other contract to indemnify.	„	When the plaintiff is actually demnified.
114. By an attorney or Vakil for his costs of a suit or a particular business there being no express agreement as to the time when such costs are to be paid.	„	The date of the termination of the suit or business (where the attorney or Vakil properly discontinues the suit or business) the date of such discontinuance.
115. For the balance due on a mutual, open and current account where there have been reciprocal demands between the parties.	„	The close of the year in which the last item admitted or proved is entered in the account such year to be computed as in the account.
116. Upon a foreign judgment as defined in the Code of Civil Procedure.	„	The date of judgment.
117. To obtain a declaration that an alleged adoption is invalid or never in fact took place.	„	When the alleged adoption becomes known to the plaintiff.
118. To obtain a declaration that an adoption is valid.	„	When the rights of the adopted son as such are interfered with.
119. Suit for which no period of limitation is provided elsewhere in this schedule.	„	When the right to sue accrues.

Description of suit.	Period of limitation.	Time from which period begins to run.
PART VIII.		
(TWELVE YEARS)		
120. For compensation for the breach of a contract in writing registered.	Twelve years.	When the period of limitation would begin to run against a suit brought on a similar contract not registered.
121. To avoid incumbrances or undertenures in an entire estate sold for arrears of Government revenue or in other saleable tenure sold for arrears of rent.	„	When the sale becomes final and conclusive.
122. Upon a judgment obtained in the State or a recognizance.	„	The date of the judgment or recognizance.
123. For a legacy or for a share of a residue bequeathed by a testator or for a distributive share of the property of an intestate.	„	When the legacy or share becomes payable or deliverable.
124. For possession of an hereditary office.	„	When the defendant takes possession of the office adversely to the plaintiff. <i>Explanation.</i> —An hereditary office is possessed when the profits thereof are usually received or (if there are no profits) when the duties thereof are usually performed.

Description of suit	Period of limitation.	Time from which period begins to run.
125. Suit during the life of a Hindu or Moham-medan female by a Hindu or Mohammedan who if the female died at the date of institut-ing the suit would be entitled to the posses-sion of land to have an alienation of such land made by the female declared to be void except for her life or until her remarriage.	Twelve years.	The date of the alienation.
126. By a Hindu governed by the law of the Mitake-shara to set aside his father's alienation of an-cstral property.	„	When the aliance takes possession of the property.
127. By a person excluded from joint family pro-erty to enforce a right to share therein.	„	When the exclusion be-comes known to the plain-tiff.
128. By a Hindu for arrears of maintenance.	„	When the arrears are pay-able.
129. By a Hindu for a de-claration of his right to maintenance.	„	When the right is denied.
130. For the resumption or assessment of rent free land.	„	When the right to resume or assess the land first accrues.
131. To establish periodi-cally recurring right.	„	When the plaintiff is first refused the enjoyment of the right.

Description of suit.	Period of limitation.	Time from which period begins to run.
132. To enforce payment of money charged upon immovable property including a suit for enforcement of a simple mortgage.	Twelve years	When the money sued for becomes due.
<i>Explanation.</i> —For the purposes of this article :—		<i>Explanation.</i> —When the money sued for becomes due on the breach of any of the terms of the contract or when the stipulated period expires the limitation will begin to run at the option of the plaintiff from either of the dates.
(a) The allowance and fees respectively called <i>Malkana</i> and <i>Haqs</i> and ;		
(b) The value of any agricultural or other produce the right to receive which is secured by a charge upon immovable property; shall be deemed to be money charged upon immovable property.		
133. Omitted.		
134. To recover possession of immovable property conveyed or bequeathed in trust of mortgaged and afterwards transferred by the trustee or mortgagee for a valuable consideration.	„	When the transfer becomes known to the plaintiff.
134-A. To set aside a transfer of immovable property comprised in a Hindu, Mohammedan	„	When the transfer becomes known to the plaintiff.

Description of suit.	Period of limitation.	Time from which period begins to run.
or Buddhist religious or charitable endowment made by a Manager thereof for a valuable consideration.		
134-B. By a Manager of Hindu, Mohammedan or Buddhist religious or charitable endowment to recover possession of immovable property comprised in the endowment which has been transferred by a previous Manager for a valuable consideration.	Twelve years.	The death, resignation or removal of the transferer.
134-C. By the Manager of a Hindu, Mohammedan or Buddhist religious or charitable endowment to recover possession of movable property comprised in the endowment which has been sold by a previous Manager for a valuable consideration.	„	The death, resignation or removal of the seller.
135. Suit instituted by a mortgagee for possession of immovable property mortgaged.	„	When the mortgager's right to possession determines.
136. By a purchaser at a private sale for possession of immovable property sold when the vendor was out of possession at the date of the sale.	„	When the vendor is first entitled to possession.

Description of suit.	Period of limitation.	Time from which period begins to run.
137. Like suit by a purchaser at the sale in execution of a decree when the judgment-debtor was out of possession at the date of the sale.	Twelve years.	When the judgment-debtor is first entitled to possession.
138. Like suit by a purchaser at a sale in execution of a decree when the judgment-debtor was in possession at the date of the sale.	"	The date when the sale becomes absolute.
139. By a landlord to recover possession from a tenant.	"	When the tenancy is determined.
140. By a remainder man a reversioner (other than a landlord) or a devisee for possession of immovable property.	"	When his estate falls into possession.
141. Like suit by a Hindu or Mohammedan entitled to the possession of immovable property on the death of a Hindu or Mohammedan female.	"	When the female dies.
142. For possession of immovable 'property' when the plaintiff while in possession of the property has been dispossessed or has discontinued the possession.	"	The date of the dispossession or discontinuance.

Description of suit.	Period of limitation.	Time from which period begins to run.
143. Like suit when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Twelve years.	When the forfeiture is incurred or the condition is broken.
144. For possession of immovable property or any interest therein not hereby otherwise specially provided for.	" PART IX. (THIRTY YEARS)	When the possession of the defendant becomes adverse to the plaintiff.
145. Against a depository or pawnee to recover movable property deposited or pawned.	Thirty years.	The date of the deposit or pawn.
146. Omitted.		
146-A. By or on behalf of any local authority for possession of any public street or road or any part thereof from which it has been dispossessed or of which it has discontinued the possession.	"	The date of the dispossession or discontinuance.
147. By a mortgagee for foreclosure.	" PART X. (SIXTY YEARS)	When the money accrued by the mortgagee becomes due.
148. Against a mortgagee to redeem or to recover	Sixty years.	When the right to redeem or recover possession accrues

Description of suit.	Period of Time from which period limitation.	Time from which period begins to run.
possession of immovable property mortgaged.		
149. Any suit by or on behalf of the State.	Sixty years.	When the period of limitation would begin to run under this Regulation against a like suit by a private person.
<i>Second Division — Appeals.</i>		
150. Under the Code of Criminal Procedure from a sentence of death or of life imprisonment passed by a Court of Sessions.	14 days.	The date of the sentence.
150-A. Omitted.		
151. Omitted.		
151-A. Under the Code of Civil Procedure to a Subordinate Judge.	60 days.	The date of the decree or the order appealed from.
151-B. Under the Code of Criminal Procedure to any Court other than the High Court and the Sessions Court.	"	The date of the sentence or order appealed from.
152. Under the Code of Civil Procedure to the Court of District Judge.	90 days.	The date of the decree or order appealed from.
153. Omitted.		
154. Under the Code of Criminal Procedure to any Court other than the High Court.	"	The date of the sentence or of order appealed from.

Description of suit.	Period of limitation.	Time from which period begins to run.
155. Under the Code of Criminal Procedure to High Court except in the case provided for by Article 150 and Article 257.	90 days.	The date of the sentence or order appealed from.
156. Under the Code of Civil Procedure to the High Court.	"	The date of the decree or order appealed from.
156-A. From a decree or order of the High Court of Judicature in the exercise of its original jurisdiction.	"	The date of the decree or order appealed from.
<i>Explanation</i> —When the High Court is sitting in one Province on the last day of the period of limitation for an appeal from a decision of a Court in another province or from a decision delivered by the High Court while sitting in another province the period of limitation for an appeal shall be double the period mentioned in the 2nd column of this schedule opposite Articles 156, 156-A.		
157. Under the Code of Criminal Procedure from an order of acquittal.	6 months.	The date of the order appealed from.
157-A. An appeal from a sentence, decree or order of any Court or Revenue office situate within the Wazarat of Ladakh or Gilgit to a Court situate beyond the said Wazarats.	180 days.	The date of the sentence decree or order appealed from.

Description of suit.	Period of limitation.	Time from which period begins to run.
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Third Division Applications.

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| 158. Under the Code of Civil Procedure to set aside an award. | 20 days. | When the award is submitted to the Court. |
| 159. For leave to appear and defend a suit under order XXXVII of the Code of Civil Procedure. | 30 days. | When the summons is served. |
| 160. For an order under the same Code to restore to the file an application for reviews rejected in consequence of the failure of the applicant to appear when the application was called on for hearing. | „ | When the application for review is rejected. |
| 161. For a review of judgment by a Court of Small Causes or by a Court invested with the jurisdiction of a Court of Small Causes when exercising that jurisdiction. | „ | The date of the decree or order. |
| 162. For a review of judgment by the High Court of Judicature in the exercise of its original jurisdiction. | „ | „ |
| 163. By a plaintiff for an order to set aside a dismissal for default of appearance or for | „ | The date of the dismissal. |

Description of suit.	Period of limitation.	Time from which period begins to run.
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| failure to pay costs of service of process or to furnish security for costs. | | |
| 164. By a defendant for an order to set aside a decree passed exparte. | 30 days. | The date of the decree or where the summons was not duly served when applicant has knowledge of the decree. |
| 165. Under the Code of Civil Procedure by a person dispossessed of immovable property and disputing the right of the decree-holder or purchaser at a sale in execution of a decree to be put into possession. | „ | The date of the dispossession. |
| 166. Under the same Code to set aside a sale in execution of a decree including any such application by a judgment-debtor. | „ | The date of the sale. |
| 167. Complaining of resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree. | „ | The date of the resistance or obstruction. |
| 168. For the readmission of an appeal dismissed for want of prosecution. | „ | The date of dismissal. |

Description of suit.	Period of limitation.	Time from which period begins to run.
169. The re-hearing of an appeal heard ex parte.	30 days.	The date of the decree in appeal or where notice of the appeal was not duly served when applicant has knowledge of the decree.
170. For leave to appeal as a pauper.	60 days.	The date of the decree appealed from.
171. Under the Code of Civil Procedure for an order to set aside an abatement.	„	The date of the abatement.
172. Under the same Code by the assignee or the receiver of an insolvent, plaintiff or appellant for an order to set aside the dismissal of a suit or an appeal.	„	The date of the order of dismissal.
173. For a review of judgment except in the cases provided for by Articles 161, 162 and 173-A.	90 days.	The date of the decree or order.
174. For the issue of a notice under the same Code to show cause why any payment made out of court of any money payable under a decree or any adjustment of the decree should not be recorded as certified.	„	When the payment or when the payment or adjustment is made.
175. For payment of the amount of a decree by instalments.	6 months.	The date of the decree.

Description of suit.	Period of limitation.	Time from which period begins to run.
176. Under the same Code to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.	6 months.	The date of the death of the deceased plaintiff or appellant.
177. Under the same Code to have the legal representative of a deceased defendant or of a deceased respondent made a party.	„	The date of the death of the deceased defendant or respondent.
178. Under the same Code for the filing in Court of an award in a suit made in any matter referred to arbitration by order of the Court, or of an award made in any matter referred to arbitration without the intervention of a Court.	„	The date of the award.
179. Omitted.		
180. By a purchase of immovable property at a sale in execution of a decree for delivery of possession.	3 years.	When the sale becomes absolute.
181. Applications for which no period of limitation is provided elsewhere in this schedule or by section 48 of the Code of Civil Procedure.	„	When the right to apply accrues.

Description of suit.	Period of limitation.	Time from which period begins to run.
181-A. An application of the nature mentioned in Articles 158, 160, 168, 169, 170, 171, 172, 173, 176 and 177 in appeals arising out of suits decided by any court situate within the Wazarats of Ladakh or Gilgit, when made to a court of appeal situate outside those Wazarats.	Double the period of limitation prescribed under this Division.	As prescribed in 3rd column opposite the articles referred to.
182. For the execution of a decree or order of any Civil Court not provided for by section 48 of the Code of Civil Procedure.	3 years or where a certified copy of the decree or order has been registered 6 years.	<ol style="list-style-type: none"> 1. The date of the decree or order, or 2. (Where there has been an appeal) the date of the final decree or order of the Appellate Court, or the withdrawal of the appeal, or 3. (Where there has been a review of judgment) the date of the decision passed on the review, or 4. (Where the decree has been amended) the date of amendment, or 5. (Where the application next hereinafter mentioned has been made) the date of the final order passed on application made in accordance with law to the proper court for execution, or to take some steps in aid of

Description of suit.	Period of limitation.	Time from which period begins to run.
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the execution of the decree or order, or

6. (In respect of any amount recovered by execution of the decree or order which the decree-holder has been directed to refund by a decree passed in a suit for such refund) the date of such last mentioned decree or in the case of an appeal therefrom, the date of the final decree of the appellate court of the withdrawal of the appeal.

7. (Where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date.

Explanation I.—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject-matter as payable or deliverable to each, the application mentioned in clause 5 of this article shall take effect in favour only of such of the said persons or their representatives as it may be made by. But where the decree or order has been passed jointly in favour of more persons than one such application if made by anyone or more

(44)

Description of suit.

Period of Time from which period
limitation. begins to run.

of them or by his or their
representatives shall take
effect in favour of them all.

Where the decree or order
has been passed severally
against more persons than
one distinguishing portions
of the subject-matter as
payable or deliverable by
each, the application shall
take effect against only such
of the said persons or their
representatives as it may be
made against. But where
the decree or order has
been passed jointly against
more persons than one the
application if made against
any one or more of them or
against his or their repre-
sentatives, shall take effect
against them all.

Explanation II.—"Proper
Court" means the Court
whose duty it is to execute
the decree or order.

(Sd.) K. L. KICHLU,

PRESIDENT,

Jammu and Kashmir Praja Sabha.

(45)

JAMMU AND KASHMIR PRAJA SABHA.

CERTIFICATE.

The above Limitation Regulation No. IX of 1995 was
passed by the Praja Sabha on 17th March 1938 corresponding
to 4th Chet 1994, received the assent of His Highness the Maharaja
Bahadur on 27th June 1938 corresponding to 14th Har 1995 and
will come into operation on the date specified in Section 1 (iii)
of the above Regulation.

(Sd.) HIRANAND RAINA,

Secretary to Government, Praja Sabha Department.