LIMITATION ACT, 1963 - PROFESSIONAL CORPUS - BATCH 06

Continuing breaches, torts and recurring claims master

Distinguish a continuing wrong from continuing damage and separate each instalment, recurring payment or successive breach.

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Unit 34 of 43

India-first

Statutory source control. The local text below is a professional transcription and article map aligned to the current India Code architecture and listed amendments. The signed Gazette/current official source controls punctuation, footnotes, State variations and event-date application.

Dedicated Finin2min Summary - Chapter in 2 Minutes

- Distinguish a continuing wrong from continuing damage and separate each instalment, recurring payment or successive breach.
- Convert single completed wrong into a dated, evidence-backed control.
- Convert continuing wrong into a dated, evidence-backed control.
- Convert continuing damage into a dated, evidence-backed control.
- Convert successive breach into a dated, evidence-backed control.

Current statutory text / controlled source extract

1. Single completed wrong
2. Continuing wrong
3. Continuing damage
4. Successive breach
5. Recurring instalment
6. Cessation date

Section-by-section / article-by-article provision map

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/control
Gate 1	Single completed wrong	Matter-specific	Test single completed wrong against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for single completed wrong.	Retain official source, working paper and decision evidence for single completed wrong.
Gate 2	Continuing wrong	Matter-specific	Test continuing wrong against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for continuing wrong.	Retain official source, working paper and decision evidence for continuing wrong.
Gate 3	Continuing damage	Matter-specific	Test continuing damage against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for continuing damage.	Retain official source, working paper and decision evidence for continuing damage.
Gate 4	Successive breach	Matter-specific	Test successive breach against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for successive breach.	Retain official source, working paper and decision evidence for successive breach.
Gate 5	Recurring instalment	Matter-specific	Test recurring instalment against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for recurring instalment.	Retain official source, working paper and decision evidence for recurring instalment.
Gate 6	Cessation date	Matter-specific	Test cessation date against the governing statute, Schedule article and event-date law.	Assign owner, deadline, approval and exception handling for cessation date.	Retain official source, working paper and decision evidence for cessation date.

Finin2min implementation explanation

Classification

Determine whether the matter is a suit, appeal, application, execution, arbitration claim or special-statute proceeding. Record relief, forum and event date.

Computation

Select the exact article or special-law period. Record the third-column trigger, first-day exclusion, calendar period and each legally available adjustment.

Control owner

Legal owns statutory classification; business/finance owns transaction dates; secretarial/HR/property teams supply authority and evidence; counsel confirms forum filing.

Change control

Recalculate after any amendment, acknowledgment, payment, order, stay, certified-copy event or forum change. Preserve the superseded computation.

Practical examples and calculations

Chapter-specific scenario.

A company receives a dispute file with emails, invoices and a part-payment. The professional maps the special statute, article, accrual date, acknowledgment validity, exclusion periods and outer condonation limit before recommending suit, arbitration, settlement or write-off.

Calculation step	Method	Evidence
Base trigger	Record the exact statutory third-column or special-law event date.	Contract/order/notice/service/knowledge evidence
First day	Exclude the day from which the period is reckoned under section 12(1).	Calendar worksheet
Period	Add the prescribed days, months or years using the Gregorian calendar.	Date calculation and assumptions
Adjustments	Apply only proven exclusions, disability, fraud, acknowledgment/payment or court-closure rules.	Orders, copy records, signed documents, bank proof
Final cut-off	State last filing day, forum hours/e-filing rule and any condonation range.	Court calendar, portal receipt and legal sign-off

Practical transaction application

1. Open the chronology when the first default, refusal, knowledge event, dispossession, order or enforceability event occurs.
2. Classify every proposed relief separately and select the governing special statute and Schedule article.
3. Record authority, service, contractual cure periods, statutory notice, copy time, stay and prior proceedings.
4. Test acknowledgment, part-payment, fraud, disability and continuing-wrong claims against their exact statutory conditions.
5. Approve the last filing date, fallback forum, condonation position and evidence pack before action.

Authority, consent and execution controls

- Confirm claimant/applicant legal capacity and representative authority.
- Obtain board, partner, trustee, government or power-of-attorney approvals.
- Authorise acknowledgments, settlements and admissions carefully because they affect limitation.
- Check counsel authority and affidavit/verification requirements.

Stamp duty and registration alerts

- Limitation does not cure an unstamped or unregistered instrument.
- Assess State stamp duty and registration separately for the underlying contract, deed, mortgage, lease, release or settlement.
- Preserve original instrument and adjudication/impounding record.
- Do not assume an electronic record avoids stamp or registration law.

Evidence and document-retention checklist

- Executed instrument and amendments.
- Trigger-date correspondence and service proof.
- Invoices, delivery, acceptance, account and bank records.
- Court/tribunal orders and certified-copy records.
- Acknowledgment and authority evidence.
- Chronology and independent calculation.
- Special-law text and amendment snapshot.
- Filing receipt, diary number and portal timestamp.

Performance, delivery and payment controls

- Map each obligation, milestone, due date and cure period.
- Separate invoice date, payment due date, acceptance, breach and termination.
- Track recurring instalments and successive breaches individually.
- Record mitigation and substitute performance without assuming a new limitation period.

Breach, loss, mitigation and remedy framework

- Identify suit, appeal, application, arbitration, execution or public-law remedy.
- Quantify principal, interest, damages, restitution and costs separately.
- Do not allow negotiations or a legal notice to revive a barred right unless statute permits.
- Evaluate settlement, acknowledgment and standstill language for unintended consequences.

Limitation and forum controls

- Confirm territorial, pecuniary and subject-matter jurisdiction.
- Apply special-law period and express exclusion before the general Schedule.
- Record appeal/review/revision and condonation limits separately.
- For arbitration, separate claim limitation from court-application limitation.

Arbitration and mediation interface

Arbitration does not create a new substantive limitation period for a barred claim. Separately compute the underlying claim, arbitration commencement, section 11 application, interim relief, award challenge and enforcement. For mediation and PIMS, identify the statutory exclusion period and preserve application, service, closure and settlement records.

Company, partnership, GST and tax overlays

- Companies Act and LLP authority/records.
- Partnership agency and joint liability.
- GST invoice, credit-note and tax evidence.
- Income-tax write-off, recovery and settlement treatment.
- IBC default and acknowledgment interface.

- Arbitration, Commercial Courts, MSME, consumer and RERA special periods.

Finin2min Q&A

What is the first professional step?

Identify the governing special law and proceeding before selecting a Schedule article.

What is the most common failure?

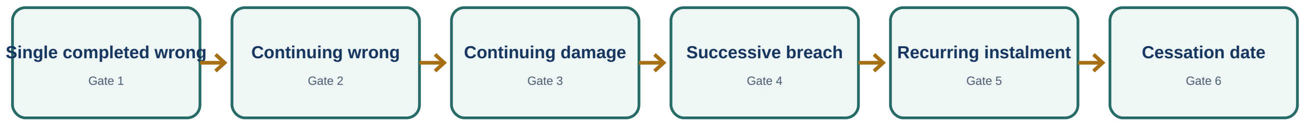
Using a generic three-year assumption without proving the statutory trigger and available exclusions.

What should the matter file contain?

A reproducible chronology, source-controlled law, computation, evidence, approvals and filing proof.

Chapter-specific decision flowchart

Continuing breaches, torts and recurring claims master - Decision Flow



Record the governing source, dates, assumptions, evidence and sign-off at every gate.