

LIMITATION ACT, 1963 - PROFESSIONAL CORPUS - BATCH 06

# Property, adverse possession and easement master

Articles 64-67 and sections 25-27 demand possession character, hostile commencement, tenancy determination and interruption evidence.

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Unit 35 of 43

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**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

- Articles 64-67 and sections 25-27 demand possession character, hostile commencement, tenancy determination and interruption evidence.
- Convert title/previous possession into a dated, evidence-backed control.
- Convert hostile commencement into a dated, evidence-backed control.
- Convert open and continuous possession into a dated, evidence-backed control.
- Convert tenant/licence transition into a dated, evidence-backed control.

## Current statutory text / controlled source extract

1. Title/previous possession
2. Hostile commencement
3. Open and continuous possession
4. Tenant/licence transition
5. Interruption
6. Article 64/65/67 selection

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

| Provision     | Subject                        | Status / period | Finin2min clause-by-clause decode                                                                       | Implementation                                                                              | Evidence/control                                                                                |
|---------------|--------------------------------|-----------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <b>Gate 1</b> | Title/previous possession      | Matter-specific | Test title/previous possession against the governing statute, Schedule article and event-date law.      | Assign owner, deadline, approval and exception handling for title/previous possession.      | Retain official source, working paper and decision evidence for title/previous possession.      |
| <b>Gate 2</b> | Hostile commencement           | Matter-specific | Test hostile commencement against the governing statute, Schedule article and event-date law.           | Assign owner, deadline, approval and exception handling for hostile commencement.           | Retain official source, working paper and decision evidence for hostile commencement.           |
| <b>Gate 3</b> | Open and continuous possession | Matter-specific | Test open and continuous possession against the governing statute, Schedule article and event-date law. | Assign owner, deadline, approval and exception handling for open and continuous possession. | Retain official source, working paper and decision evidence for open and continuous possession. |
| <b>Gate 4</b> | Tenant/licence transition      | Matter-specific | Test tenant/licence transition against the governing statute, Schedule article and event-date law.      | Assign owner, deadline, approval and exception handling for tenant/licence transition.      | Retain official source, working paper and decision evidence for tenant/licence transition.      |
| <b>Gate 5</b> | Interruption                   | Matter-specific | Test interruption against the governing statute, Schedule article and event-date law.                   | Assign owner, deadline, approval and exception handling for interruption.                   | Retain official source, working paper and decision evidence for interruption.                   |
| <b>Gate 6</b> | Article 64/65/67 selection     | Matter-specific | Test article 64/65/67 selection against the governing statute, Schedule article and event-date law.     | Assign owner, deadline, approval and exception handling for article 64/65/67 selection.     | Retain official source, working paper and decision evidence for article 64/65/67 selection.     |

## 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

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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

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- 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

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- 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

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- 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

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

## Breach, loss, mitigation and remedy framework

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- 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

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

## Arbitration and mediation interface

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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

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

- 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

