

LIMITATION ACT, 1963 - PROFESSIONAL CORPUS - BATCH 06

Part III - Computation of period of limitation

Build a date-by-date chronology and test each exclusion, postponement, fresh-start and continuing-wrong rule independently.

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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

- Section 12 governs exclusion of time in legal proceedings; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.
- Section 13 governs indigent-person application exclusion; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.
- Wrong-forum time is excluded only after proving diligence, good faith, same matter/relief and a jurisdiction-like defect.
- Section 15 governs other statutory exclusions; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.
- Section 16 governs effect of death before accrual; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.
- Build a date-by-date chronology and test each exclusion, postponement, fresh-start and continuing-wrong rule independently.

Current statutory text / controlled source extract

12. Exclusion of time in legal proceedings. - Exclude the first day. For appeals, leave, revision or review, exclude the pronouncement day and time requisite for obtaining the relevant decree, sentence or order; also apply the stated judgment-copy rule. For setting aside an award, exclude

time requisite for obtaining the award. Time taken before applying for a copy is not automatically excluded.

13. Exclusion of time where leave to sue or appeal as an indigent person is applied for. - If such an application is rejected, exclude the period of good-faith prosecution and, on payment of court fees, treat the proceeding as if fees were paid initially.

14. Exclusion of time of proceeding bona fide in court without jurisdiction. - Exclude time spent with due diligence and good faith in another civil proceeding concerning the same matter or relief where the court could not entertain it for defect of jurisdiction or a cause of like nature. The section includes the stated Order XXIII fresh-suit rule and explanations concerning inclusion of first/last days, resisting an appeal and misjoinder.

15. Exclusion of time in certain other cases. - Exclude the duration and endpoint days of an injunction or stay; the statutory notice period or time for prior consent or sanction; the insolvency/winding-up interval stated for receivers or liquidators; time spent challenging an execution sale for a purchaser-possession suit; and, for a suit, time during which the defendant was absent from India and the specified administered territories.

16. Effect of death on or before accrual of right to sue. - If a person dies before the right accrues, or the right accrues only on death, limitation runs from when a capable legal representative exists. A parallel rule applies where the intended defendant dies before accrual. The section does not apply to pre-emption, possession of immovable property or hereditary-office suits.

17. Effect of fraud or mistake. - Where the claim is based on fraud, the right/title is fraudulently concealed, relief is sought from mistake, or a necessary document is fraudulently concealed, time begins on discovery or when reasonable diligence could have discovered it, subject to the protected purchaser provisos. If fraud or force prevents execution, the court may extend time on an application made within one year after discovery or cessation.

18. Effect of acknowledgment in writing. - A written and signed acknowledgment made before expiry starts a fresh period from signature. Signature may be personal or by authorised agent. The acknowledgment can qualify despite omission of exact details, postponement language, refusal, set-off or being addressed to another person. The section contains evidence rules for undated acknowledgments and excludes execution applications from its property/right concept.

19. Effect of payment on account of debt or of interest on legacy. - A qualifying payment made before expiry by the liable person or authorised agent starts a fresh period from payment, provided the statutory written-handwriting/signature condition is met. The Explanation addresses mortgagee possession and excludes money payable under a decree or order from "debt".

20. Effect of acknowledgment or payment by another person. - The section defines authorised agency for persons under disability, prevents one joint contractor/partner/executor/mortgagee being charged merely by another's act, and states the limited-owner and Hindu undivided family manager rules.

21. Effect of substituting or adding new plaintiff or defendant. - As against a newly added or substituted party, the suit is ordinarily instituted when the party is added. The court may direct an earlier date where omission arose from a good-faith mistake. Assignment, devolution and conversion of plaintiff to defendant or vice versa are excluded from subsection (1).

22. Continuing breaches and torts. - For a continuing breach or continuing tort, a fresh period begins at every moment during which it continues.

23. Suits for compensation for acts not actionable without special damage. - Where an act is not actionable until specific injury results, limitation is computed from the time the injury results.

24. Computation of time mentioned in instruments. - Instruments are deemed to refer to the Gregorian calendar for the purposes of the Act.

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

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/control
Section 12	Exclusion of time in legal proceedings	Operative	Section 12 governs exclusion of time in legal proceedings; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.	Maintain a day-level chronology with certified-copy, stay, notice, sanction and prior-proceeding documents.	Orders, filing receipts, certified-copy applications, readiness notices, stay orders, statutory notices, sanction requests and prior pleadings.
Section 13	Indigent-person application exclusion	Operative	Section 13 governs indigent-person application exclusion; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.	Maintain a day-level chronology with certified-copy, stay, notice, sanction and prior-proceeding documents.	Source text, chronology, contract/order, communications, proof of service, computation sheet, approvals and filing acknowledgment.
Section 14	Proceeding in wrong forum	Operative	Wrong-forum time is excluded only after proving diligence, good faith, same matter/relief and a jurisdiction-like defect.	Maintain a day-level chronology with certified-copy, stay, notice, sanction and prior-proceeding documents.	Orders, filing receipts, certified-copy applications, readiness notices, stay orders, statutory notices, sanction requests and prior pleadings.
Section 15	Other statutory exclusions	Operative	Section 15 governs other statutory exclusions; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.	Maintain a day-level chronology with certified-copy, stay, notice, sanction and prior-proceeding documents.	Orders, filing receipts, certified-copy applications, readiness notices, stay orders, statutory notices, sanction requests and prior pleadings.
		Operative			

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/control
Section 16	Effect of death before accrual		Section 16 governs effect of death before accrual; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.	Assign a legal owner, record the trigger and source, compute independently, and retain approval and filing proof.	Source text, chronology, contract/order, communications, proof of service, computation sheet, approvals and filing acknowledgment.
Section 17	Fraud or mistake	Operative	Fraud or mistake postpones time to discovery subject to diligence and protected third-party interests.	Preserve original documents, signatures, authority, discovery evidence, ledgers and payment trail; do not rely on oral reconstruction.	Source text, chronology, contract/order, communications, proof of service, computation sheet, approvals and filing acknowledgment.
Section 18	Acknowledgment in writing	Operative	A pre-expiry signed acknowledgment restarts limitation even if qualified, but authority and content must be proved.	Preserve original documents, signatures, authority, discovery evidence, ledgers and payment trail; do not rely on oral reconstruction.	Original acknowledgment/ payment record, electronic metadata, authority, ledger, bank proof and delivery/receipt evidence.
Section 19	Part-payment or interest	Operative	Section 19 governs part-payment or interest; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.	Preserve original documents, signatures, authority, discovery evidence, ledgers and payment trail; do not rely on oral reconstruction.	Original acknowledgment/ payment record, electronic metadata, authority, ledger, bank proof and delivery/receipt evidence.
Section 20	Acknowledgment/ payment by another	Operative	Section 20 governs acknowledgment/ payment by another; isolate its actor, trigger,	Preserve original documents, signatures, authority, discovery	Original acknowledgment/ payment record, electronic metadata,

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/control
			conditions, exceptions and legal consequence before computing time.	evidence, ledgers and payment trail; do not rely on oral reconstruction.	authority, ledger, bank proof and delivery/receipt evidence.
Section 21	Adding or substituting parties	Operative	Adding a party ordinarily starts limitation against that party on addition unless good-faith relation-back is ordered.	Assign a legal owner, record the trigger and source, compute independently, and retain approval and filing proof.	Source text, chronology, contract/order, communications, proof of service, computation sheet, approvals and filing acknowledgment.
Section 22	Continuing breaches and torts	Operative	A fresh period runs while a wrong truly continues; repeated consequences of a completed wrong are not enough.	Assign a legal owner, record the trigger and source, compute independently, and retain approval and filing proof.	Source text, chronology, contract/order, communications, proof of service, computation sheet, approvals and filing acknowledgment.
Section 23	Special damage	Operative	Section 23 governs special damage; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.	Assign a legal owner, record the trigger and source, compute independently, and retain approval and filing proof.	Source text, chronology, contract/order, communications, proof of service, computation sheet, approvals and filing acknowledgment.
Section 24	Gregorian calendar	Operative	Section 24 governs gregorian calendar; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.	Assign a legal owner, record the trigger and source, compute independently, and retain approval and filing proof.	Source text, chronology, contract/order, communications, proof of service, computation sheet, approvals and filing acknowledgment.

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 claim appears late by 47 days. The team excludes the first day, certified-copy time and a documented stay, but rejects an unsigned balance confirmation as an acknowledgment. The final filing date changes only for legally supported adjustments.

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.
- 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

- 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.
- 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

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.
- 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?

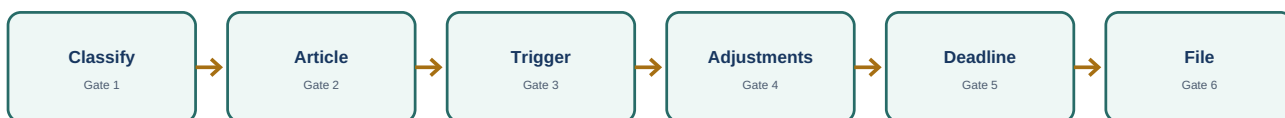
Using a generic three-year assumption without proving the statutory trigger and available exclusions.

What should the matter file contain?

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

Chapter-specific decision flowchart

Part III - Computation of period of limitation - Decision Flow



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