

LIMITATION ACT, 1963 - PROFESSIONAL CORPUS - BATCH 06

Part IV - Acquisition of ownership by possession

Easement prescription and extinguishment of title depend on the exact nature, continuity, openness and adverse character of possession or enjoyment.

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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

- Section 25 governs easements by prescription; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.
- Section 26 governs reversioner exclusion; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.
- Expiry of a possession limitation period can extinguish the proprietary right, not merely the remedy.
- Easement prescription and extinguishment of title depend on the exact nature, continuity, openness and adverse character of possession or enjoyment.

Current statutory text / controlled source extract

25. Acquisition of easements by prescription. - Peaceable, open and as-of-right enjoyment without interruption for twenty years can make the specified easement absolute and indefeasible; the period must end within two years before the contesting suit. Government property uses thirty years. The Explanation defines qualifying interruption and the one-year acquiescence element.

26. Exclusion in favour of reversioner of servient tenement. - The stated enjoyment period during a life interest or term exceeding three years is excluded if the person entitled on determination resists the claim within three years.

27. Extinguishment of right to property. - When the limitation period for a possession suit expires, the claimant's right to the property is extinguished.

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

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/ control
Section 25	Easements by prescription	Operative	Section 25 governs easements by prescription; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.	Build a possession/ easement timeline from title documents, revenue records, tenancy/licence evidence, photographs, notices and witness material.	Title chain, possession records, rent/ licence documents, revenue/ municipal entries, surveys, obstruction notices and witness affidavits.
Section 26	Reversioner exclusion	Operative	Section 26 governs reversioner exclusion; isolate its actor, trigger, conditions, exceptions and legal consequence before computing time.	Build a possession/ easement timeline from title documents, revenue records, tenancy/licence evidence, photographs, notices and witness material.	Title chain, possession records, rent/ licence documents, revenue/ municipal entries, surveys, obstruction notices and witness affidavits.
Section 27	Extinguishment of property right	Operative	Expiry of a possession limitation period can extinguish the proprietary right, not merely the remedy.	Build a possession/ easement timeline from title documents, revenue records, tenancy/licence evidence, photographs, notices and witness material.	Title chain, possession records, rent/ licence documents, revenue/ municipal entries, surveys, obstruction notices and witness affidavits.

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 former licensee remains after termination. The owner records licence termination, demand for possession and conduct showing when permissive possession allegedly became hostile; article 65 is not assumed from mere long occupation.

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?

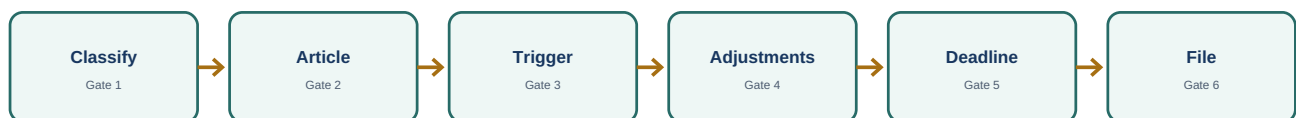
Using a generic three-year assumption without proving the statutory trigger and available exclusions.

What should the matter file contain?

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

Chapter-specific decision flowchart

Part IV - Acquisition of ownership by possession - Decision Flow



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