LIMITATION ACT, 1963 - PROFESSIONAL CORPUS - BATCH 06

First Division, Part V - Immovable property

Distinguish charge enforcement, foreclosure, prior possession, title, forfeiture and tenancy termination.

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Unit 11 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 charge enforcement, foreclosure, prior possession, title, forfeiture and tenancy termination.
- The first column classifies the proceeding, the second sets the period and the third fixes the starting point.
- Sections 4-24 can alter computation only when legally available.
- A special/local statute may replace the Schedule period or exclude general provisions.

Current statutory text / controlled source extract

Article 62 - Enforce money secured by mortgage or charge
Period: 12 years
Starts: When money sued for becomes due

Article 63 - Mortgagee foreclosure or possession
Period: 30/12 years
Starts: Secured money due or entitlement to possession

Article 64 - Possession based on previous possession after dispossession
Period: 12 years

Starts: Date of dispossession

Article 65 - Possession based on title
Period: 12 years
Starts: When defendant possession becomes adverse, subject to explanations

Article 66 - Possession after forfeiture or breach of condition
Period: 12 years
Starts: Forfeiture or breach

Article 67 - Landlord recovery from tenant
Period: 12 years
Starts: When tenancy is determined

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

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/ control
Article 62	Enforce money secured by mortgage or charge	12 years	When money sued for becomes due	Article 62: match the exact claim description, period and third-column trigger; near-similar commercial facts can fall under different articles.	Preserve the instrument, event date and article-selection memorandum.
Article 63	Mortgagee foreclosure or possession	30/12 years	Secured money due or entitlement to possession	Article 63: match the exact claim description, period and third-column trigger; near-similar commercial facts can fall under different articles.	Preserve the instrument, event date and article-selection memorandum.
Article 64	Possession based on previous possession after dispossession	12 years	Date of dispossession	Article 64: match the exact claim description, period and third-column trigger; near-similar commercial facts can fall under different articles.	Preserve the instrument, event date and article-selection memorandum.
Article 65	Possession based on title	12 years	When defendant possession becomes	Title possession: prove when possession became hostile and adverse; permissive	Preserve the instrument, event date and article-

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/ control
			adverse, subject to explanations	possession does not become adverse without a clear transition.	selection memorandum.
Article 66	Possession after forfeiture or breach of condition	12 years	Forfeiture or breach	Article 66: match the exact claim description, period and third-column trigger; near-similar commercial facts can fall under different articles.	Preserve the instrument, event date and article-selection memorandum.
Article 67	Landlord recovery from tenant	12 years	When tenancy is determined	Article 67: match the exact claim description, period and third-column trigger; near-similar commercial facts can fall under different articles.	Preserve the instrument, event date and article-selection memorandum.

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.

The defendant entered as tenant and later asserts ownership. The claimant must prove a clear hostile transition; the original permissive entry does not itself start adverse possession.

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

How is the correct article selected?

Classify the actual relief and legal relationship, then rule out specific articles before using a residuary article.

Does a demand notice always start limitation?

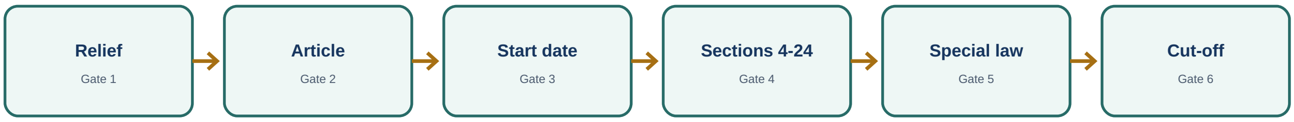
No. Some articles run from loan, delivery, breach, refusal, knowledge or enforceability irrespective of a later demand.

Can section 5 extend a suit article?

No general section 5 condonation applies to suits.

Chapter-specific decision flowchart

First Division, Part V - Immovable property - Decision Flow



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