

**LIMITATION ACT, 1963 - PROFESSIONAL CORPUS - BATCH 06**

# First Division, Part IX - Miscellaneous suits

Pre-emption, execution orders, government acts, judgments, hereditary office, family property and government suits use distinct periods.

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Legal review cut-off: 2026-07-18

Unit 15 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

- Pre-emption, execution orders, government acts, judgments, hereditary office, family property and government suits use distinct periods.
- 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 97 - Enforce pre-emption right

Period: 1 year

Starts: Purchaser possession or registration, as applicable

Article 98 - Challenge specified execution/small-cause possession order

Period: 1 year

Starts: Date of final order

Article 99 - Set aside civil/revenue court or revenue-arrears sale

Period: 1 year

Starts: Sale confirmation/finality

Article 100 - Alter or set aside non-suit court decision or official act/order

Period: 1 year

Starts: Final decision/order or official act/order

Article 101 - Upon judgment, including foreign judgment, or recognizance

Period: 3 years

Starts: Date of judgment or recognizance

Article 102 - Property conveyed while plaintiff insane

Period: 3 years

Starts: Restoration to sanity plus knowledge

Article 103 - Make good loss from deceased trustee estate

Period: 3 years

Starts: Trustee death or later resulting loss

Article 104 - Establish periodically recurring right

Period: 3 years

Starts: First refusal

Article 105 - Hindu claim for maintenance arrears

Period: 3 years

Starts: When arrears are payable

Article 106 - Legacy, residue or intestate distributive share

Period: 12 years

Starts: When legacy/share becomes payable or deliverable

Article 107 - Possession of hereditary office

Period: 12 years

Starts: Adverse possession of office

Article 108 - Reversioner declaration against alienation by Hindu or Muslim female

Period: 12 years

Starts: Date of alienation

Article 109 - Mitakshara son setting aside father alienation of ancestral property

Period: 12 years

Starts: Alienee takes possession

Article 110 - Excluded joint-family member enforcing share

Period: 12 years

Starts: Exclusion becomes known

Article 111 - Local authority possession of public street/road

Period: 30 years

Starts: Dispossession or discontinuance

Article 112 - Suit by Central or State Government, subject to exception

Period: 30 years

Starts: When time would run against a like private claim

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

| Provision          | Subject                                                          | Status / period | Finin2min clause-by-clause decode                   | Implementation                                                                                                                                    | Evidence/ control                                                     |
|--------------------|------------------------------------------------------------------|-----------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <b>Article 97</b>  | Enforce pre-emption right                                        | 1 year          | Purchaser possession or registration, as applicable | Article 97: 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. |
| <b>Article 98</b>  | Challenge specified execution/small-cause possession order       | 1 year          | Date of final order                                 | Article 98: 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. |
| <b>Article 99</b>  | Set aside civil/ revenue court or revenue-arrears sale           | 1 year          | Sale confirmation/ finality                         | Article 99: 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. |
| <b>Article 100</b> | Alter or set aside non-suit court decision or official act/order | 1 year          | Final decision/ order or official act/order         | Article 100: 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. |
| <b>Article 101</b> | Upon judgment, including foreign judgment, or recognizance       | 3 years         | Date of judgment or recognizance                    | Article 101: 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. |
|                    |                                                                  | 3 years         |                                                     |                                                                                                                                                   |                                                                       |

| Provision          | Subject                                         | Status / period | Finin2min clause-by-clause decode                 | Implementation                                                                                                                                    | Evidence/ control                                                     |
|--------------------|-------------------------------------------------|-----------------|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <b>Article 102</b> | Property conveyed while plaintiff insane        |                 | Restoration to sanity plus knowledge              | Article 102: 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. |
| <b>Article 103</b> | Make good loss from deceased trustee estate     | 3 years         | Trustee death or later resulting loss             | Article 103: 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. |
| <b>Article 104</b> | Establish periodically recurring right          | 3 years         | First refusal                                     | Article 104: 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. |
| <b>Article 105</b> | Hindu claim for maintenance arrears             | 3 years         | When arrears are payable                          | Article 105: 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. |
| <b>Article 106</b> | Legacy, residue or intestate distributive share | 12 years        | When legacy/ share becomes payable or deliverable | Article 106: 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. |
| <b>Article 107</b> | Possession of hereditary office                 | 12 years        | Adverse possession of office                      | Article 107: match the exact claim description, period and third-column trigger; near-similar                                                     | Preserve the instrument, event date and article-                      |

| Provision          | Subject                                                              | Status / period | Finin2min clause-by-clause decode                | Implementation                                                                                                                                    | Evidence/ control                                                     |
|--------------------|----------------------------------------------------------------------|-----------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
|                    |                                                                      |                 |                                                  | commercial facts can fall under different articles.                                                                                               | selection memorandum.                                                 |
| <b>Article 108</b> | Reversioner declaration against alienation by Hindu or Muslim female | 12 years        | Date of alienation                               | Article 108: 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. |
| <b>Article 109</b> | Mitakshara son setting aside father alienation of ancestral property | 12 years        | Alienee takes possession                         | Article 109: 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. |
| <b>Article 110</b> | Excluded joint-family member enforcing share                         | 12 years        | Exclusion becomes known                          | Article 110: 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. |
| <b>Article 111</b> | Local authority possession of public street/ road                    | 30 years        | Dispossession or discontinuance                  | Article 111: 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. |
| <b>Article 112</b> | Suit by Central or State Government, subject to exception            | 30 years        | When time would run against a like private claim | Article 112: 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.

Two claims arise from the same transaction but seek different reliefs. The team selects separate Schedule articles and trigger dates rather than using one generic invoice date.

| 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

### 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?

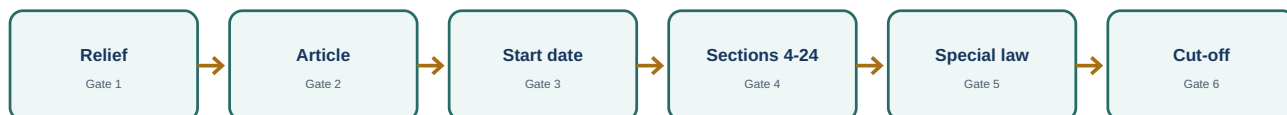
No. Some articles run from loan, delivery, breach, refusal, knowledge or enforceability irrespective of a later demand.

### Can section 5 extend a suit article?

No general section 5 condonation applies to suits.

## Chapter-specific decision flowchart

### First Division, Part IX - Miscellaneous suits - Decision Flow



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