

LIMITATION ACT, 1963 - PROFESSIONAL CORPUS - BATCH 06

Third Division - Applications

Applications range from ten days to twelve years; Article 137 is residuary and begins when the right to apply accrues.

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Unit 18 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

- Applications range from ten days to twelve years; Article 137 is residuary and begins when the right to apply accrues.
- 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 118 - Leave to appear and defend summary suit
Period: 10 days
Starts: Service of summons

Article 119 - Legacy Arbitration Act 1940 award filing or setting-aside application
Period: 30 days
Starts: Service of notice of making or filing award, by clause

Article 120 - Add legal representative of deceased party under CPC
Period: 90 days

Starts: Date of death

Article 121 - Set aside abatement under CPC

Period: 60 days

Starts: Date of abatement

Article 122 - Restore suit/appeal/review/revision dismissed for default

Period: 30 days

Starts: Date of dismissal

Article 123 - Set aside ex parte decree or rehear ex parte appeal

Period: 30 days

Starts: Decree date, or knowledge where service was not due

Article 124 - Review by court other than Supreme Court

Period: 30 days

Starts: Date of decree or order

Article 125 - Record adjustment or satisfaction of decree

Period: 30 days

Starts: Payment or adjustment

Article 126 - Payment of decree by instalments

Period: 30 days

Starts: Date of decree

Article 127 - Set aside execution sale

Period: 60 days

Starts: Date of sale

Article 128 - Dispossessed person disputing decree-holder/purchaser right

Period: 30 days

Starts: Date of dispossession

Article 129 - Possession after removing resistance/obstruction in execution

Period: 30 days

Starts: Date of resistance or obstruction

Article 130 - Leave to appeal as indigent person

Period: 60/30 days

Starts: Date of decree, by forum

Article 131 - Exercise of revision powers under procedural codes

Period: 90 days

Starts: Decree, order or sentence sought to be revised

Article 132 - High Court certificate of fitness for Supreme Court appeal

Period: 60 days

Starts: Date of order or sentence

Article 133 - Special leave to appeal to Supreme Court

Period: 60/60/90 days

Starts: Judgment/order/sentence or refusal date, by clause

Article 134 - Delivery of possession to execution-sale purchaser

Period: 1 year

Starts: When sale becomes absolute

Article 135 - Enforcement of decree granting mandatory injunction

Period: 3 years
Starts: Decree date or fixed performance date

Article 136 - Execution of other civil decree or order
Period: 12 years
Starts: When enforceable or relevant default; perpetual injunction has no period

Article 137 - Any other application not elsewhere provided
Period: 3 years
Starts: When right to apply accrues

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

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/ control
Article 118	Leave to appear and defend summary suit	10 days	Service of summons	Article 118: 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 119	Legacy Arbitration Act 1940 award filing or setting-aside application	30 days	Service of notice of making or filing award, by clause	Legacy code reference: overlay current BNSS/ CrPC, Arbitration Act and special-statute transition before relying on the printed Schedule.	Preserve the instrument, event date and article-selection memorandum.
Article 120	Add legal representative of deceased party under CPC	90 days	Date of death	Article 120: 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 121	Set aside abatement under CPC	60 days	Date of abatement	Article 121: match the exact claim description, period and third-column trigger; near-similar commercial facts can	Preserve the instrument, event date and article-selection memorandum.

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/ control
				fall under different articles.	
Article 122	Restore suit/ appeal/review/ revision dismissed for default	30 days	Date of dismissal	Article 122: 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 123	Set aside ex parte decree or rehear ex parte appeal	30 days	Decree date, or knowledge where service was not due	Article 123: 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 124	Review by court other than Supreme Court	30 days	Date of decree or order	Article 124: 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 125	Record adjustment or satisfaction of decree	30 days	Payment or adjustment	Article 125: 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 126	Payment of decree by instalments	30 days	Date of decree	Article 126: 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.
		60 days	Date of sale	Article 127: match the exact claim description,	Preserve the instrument, event

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/ control
Article 127	Set aside execution sale			period and third-column trigger; near-similar commercial facts can fall under different articles.	date and article-selection memorandum.
Article 128	Dispossessed person disputing decree-holder/ purchaser right	30 days	Date of dispossession	Article 128: 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 129	Possession after removing resistance/ obstruction in execution	30 days	Date of resistance or obstruction	Article 129: 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 130	Leave to appeal as indigent person	60/30 days	Date of decree, by forum	Article 130: 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 131	Exercise of revision powers under procedural codes	90 days	Decree, order or sentence sought to be revised	Legacy code reference: overlay current BNSS/ CrPC, Arbitration Act and special-statute transition before relying on the printed Schedule.	Preserve the instrument, event date and article-selection memorandum.
Article 132	High Court certificate of fitness for Supreme Court appeal	60 days	Date of order or sentence	Article 132: match the exact claim description, period and third-column trigger; near-similar commercial facts can	Preserve the instrument, event date and article-selection memorandum.

Provision	Subject	Status / period	Finin2min clause-by-clause decode	Implementation	Evidence/ control
				fall under different articles.	
Article 133	Special leave to appeal to Supreme Court	60/60/90 days	Judgment/order/ sentence or refusal date, by clause	Article 133: 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 134	Delivery of possession to execution-sale purchaser	1 year	When sale becomes absolute	Article 134: 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 135	Enforcement of decree granting mandatory injunction	3 years	Decree date or fixed performance date	Article 135: 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 136	Execution of other civil decree or order	12 years	When enforceable or relevant default; perpetual injunction has no period	Execution generally runs for twelve years from enforceability or relevant default; perpetual injunction execution is uncapped by this article.	Preserve the instrument, event date and article-selection memorandum.
Article 137	Any other application not elsewhere provided	3 years	When right to apply accrues	Residuary application: identify when the enforceable right to apply first arose under the governing statute.	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.

A statutory application has no specific article. The lawyer identifies the first date an enforceable right to apply arose, checks the special law and computes three years under Article 137.

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?

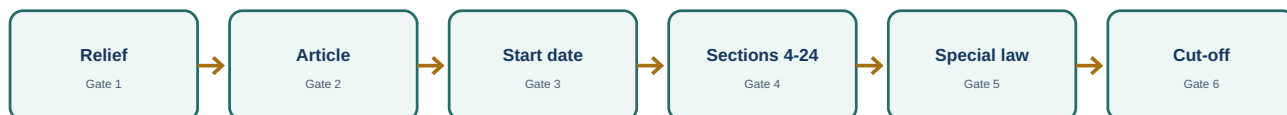
No. Some articles run from loan, delivery, breach, refusal, knowledge or enforceability irrespective of a later demand.

Can section 5 extend a suit article?

No general section 5 condonation applies to suits.

Chapter-specific decision flowchart

Third Division - Applications - Decision Flow



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