

## **Punjab Limitation (Custom) Act, 1920**

### **1 of 1920**

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#### **SCHEDULE 1 :- SCHEDULE**

## **Punjab Limitation (Custom) Act, 1920**

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An Act to amend and consolidate the law governing the limitation of suits relating to alienations of ancestral immovable property and appointments of heirs by persons who follow custom in the Punjab. Whereas it is expedient to amend and consolidate the law governing the limitation of suits relating to alienations of ancestral immovable property and appointments of heirs by person who follow custom in the Punjab. And whereas the previous sanction of the Governor-General has been accorded under Section 79 (2) of the Government of India Act to the passing of this Act; It is hereby enacted as follows :

#### **1. Short title :-**

This Act may be called the Punjab Limitation (Custom ) Act, 1920.

## **2. Repeal :-**

The Punjab Limitation (Ancestral Land Alienation) Act, 1900, is hereby repealed.

## **3. Definitions :-**

In this Act- "Alienation" includes any testamentary disposition of property. "Appointment of an heir" includes any adoption made or purporting to be made according to custom.

## **4. Savings :-**

This act, shall not affect any suit pending in any court on the date on which this Act. comes into force.

## **5. Dismissal of suits of the descriptions specified in the Act if instituted after the period of limitation herein prescribed has expired :-**

Subject to the provisions contained in Sections 4 to 25 (inclusive ), of the Indian Limitation Act, 1908, and notwithstanding anything to the contrary contained in the first schedule of the said Act, every suit of any description specified in the schedule annexed to this Act, instituted after the period of limitation prescribed therefor in the schedule shall be dismissed, although limitation has not been set up as a defence.

## **6. Provision for suit for which the period prescribed is shorter than that prescribed by the Indian Limitation Act or the Punjab limitation Act :-**

Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Act is shorter than the period of limitation prescribed by the Indian Limitation Act 1908, or by the Punjab Limitation (Ancestral Land Alienation ) Act, 1900, may be instituted within the period of one year next after the commencement of this Act or within the period prescribed for such suit by the Indian Limitation Act, 1908, or by the Punjab Limitation ( Ancestral Land Alienation ) Act, 1900, whichever period expires first.

## **7. Limitation on suits for possession where no declaratory decree has been obtained :-**

Subject to the provisions of Section 6-

(a) No suit for the possession of ancestral immoveable property on the ground that an alienation of such property or the appointment of an heir is not binding on the plaintiff according to custom shall lie if a suit for a declaration that the alienation or appointment of

an heir is not so binding would be time-barred, unless, a suit for such a declaration has been instituted within the period prescribed by the schedule.

(b) No suit for the possession of ancestral immovable property by a plaintiff on the ground that he is an heir appointed in accordance with custom entitled thereto shall lie if a suit for a declaration that his alleged appointment as heir was validly made according to custom would be time-barred, unless a suit for such a declaration has been instituted within the period prescribed by the schedule.

### **8. Benefit of declaratory decree :-**

When any person obtains a decree declaring that a alienation of ancestral immovable property or the appointment of an heir is not binding on him according to custom, the decree shall enure for the benefit of all persons entitled to impeach the alienation or the appointment of an heir.

### **SCHEDULE 1**

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<b>1</b>	<b>2</b>	<b>3</b>
<p>Description of suit</p> <p>1. A suit for a declaration that an alienation ancestral immovable property will not, according to custom, be binding on the plaintiff after the death of alienor or (if the alienor is a female) after her death or forfeiture of her interest in the property.</p> <p>2. A suit for possession of ancestral immovable property which has been alienated on the ground that the alienation is not binding on the plaintiff according to custom-(a) if no declaratory decree of the nature referred to in article 1 is obtained, (b) if such declaratory decree is obtained.</p>	<p>Period of limitation 6 years</p> <p>6 years 3 years</p>	<p>Time from which period begins to run</p> <p>Firstly ----- If the alienation is by a registered deed, the date of registration of such deed.</p> <p>Secondly If the alienation is not by a registered deed-(a) if an entry regarding the alienation in the Register of Mutations has been attested by a Revenue Officer under the Punjab Land Revenue Act, 1887, the date on which the entry is attested; (b) if such entry has not been attested, the date on which the alienee takes physical possession of the whole or any part of the property alienated in pursuance of such alienation; (c) in all other cases, the date on which the alienation comes to the knowledge of the plaintiff.</p> <p>As Above The date on which the rights to sue accrues, or the date</p>
<p>3. A suit for a declaration that an alleged</p>	<p>6 years</p> <p>6 years</p>	<p>on which the declaratory decree is obtained, whichever is later.</p>

<p>appointment of an heir is invalid as being</p> <p>opposed to custom or in fact never took place.</p> <p>4. A suit for possession of ancestral immoveable property on the ground that an appointment of an heir is invalid or never in fact took place, (a) if no declaratory decree of the nature referred to in article 3 is obtained; (b) if such declaratory decree is obtained.</p> <p>5. A suit for a declaration that 6 years an</p> <p>alleged appointment of an heir was validly made according to customs.</p> <p>6. A suit for possession of ancestral immoveable property by a plaintiff on the ground that he is an heir appointed in accordance with</p> <p>custom entitled there to-(a) if no declaratory decree of the nature referred to in article 5 is obtained, (b) if such declaratory</p>	<p>3 years</p> <p>6 years</p> <p>6 years</p> <p>3 years</p>	<p>The date on which the alleged appointment of an heir becomes known to the plaintiff.</p> <p>The date on which the alleged appointment of an heir becomes known to the plaintiff.</p> <p>The date on which the right to sue accrues, or the date on which the declaratory decree is obtained, whichever is later.</p> <p>The date when his rights of the alleged appointed heir are interfered with.</p> <p>The date when his rights as such heir are interfered with.</p> <p>The date of the death of the person making the appointment or if (such person is a female) of her death or of the</p> <p>forfeiture of her interest in the property or the date on which the declaratory decree is obtained, whichever is later.</p>
decree is obtained.		