

THE LIMITATION (EMERGENCY AND WAR CONDITIONS)
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THE LIMITATION (EMERGENCY AND WAR CONDITIONS) ACT, 1965

ACT NO. XVIII of 1965

[2nd December, 1965]

An Act to extend the period of limitation in certain cases

WHEREAS it is necessary to extend the period of limitation prescribed by law for suits, appeals, applications and other proceedings or for doing any act or thing by the period during which it is not possible to institute suits or proceedings prefer appeals or make applications or to do any act or thing due to the displacement of persons from certain areas or due to persons having been detained in enemy territory in circumstances attributable to war or armed hostilities;

AND WHEREAS the national interest of Pakistan in relation to the achievement of uniformity within the meaning of clause (2) of Article 131 of the Constitution requires [Federal] legislation in the matter;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Limitation (Emergency and War Conditions) Act, 1965.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the sixth day of September, 1965.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “affected area” means any area which the [Federal Government] may by notification in the official Gazette, declare to be an area affected by circumstances attributable to war or armed hostilities, and any such notification may be issued so as to have retrospective effect;

(b) “enemy subject” means any individual who possesses the nationality of a State which is at war with, or engaged in armed hostilities against, Pakistan, or who, having possessed such nationality at any time, has lost it without acquiring another nationality, or any body of persons constituted or incorporated in or under the laws of such State;

(c) “enemy territory” means any area under the sovereignty of, or administered by, or for the time being in the occupation of, a State which is at war with, or engaged in armed hostilities against, Pakistan, not being an area in the occupation of Pakistan, and includes any area which the [Federal Government] may, by notification in the official Gazette, declare, either generally or in respect of any particular period, to be enemy territory for the purposes of this Act ; and

'Subs. by F.A.O. 1975, Art, 2 and Table for "Central Government".

(d) "period of limitation" means,—

(a) in relation to a suit, appeal or application, the period of limitation prescribed therefor by the Limitation Act, 1908 (IX of 1908), or by or under any other law for the time being in force ; and

(b) in relation to any act or thing required to be done by any person by or under any law for the time being in force, the period within which such act or thing is required to be done.

3. Extension of limitation in affected areas—Where a period of limitation within which any suit, appeal or application could have been instituted, preferred or made, or any act or thing could have been done, by a person displaced from any area, or before a court or other authority situated in any area, expires while such area is an affected area, such suit, appeal or application may be instituted, preferred or made, or such act or thing may be done, by such person, notwithstanding anything contained in the Limitation Act, 1908 (IX of 1908), or in any other law for the time being in force, within six months of such area ceasing to be an affected area.

Explanation.—Any person who was residing, carrying on business or working for gain, in any area, immediately before such area became an affected area, and has, while such area continues to be an affected area, left it and is, for that reason, unable to reside, carry on business or work for gain therein, shall, for the purposes of this section be deemed to be a person displaced from an affected area.

4. Extension of limitation for suits etc., in certain circumstances.— Where any person who could have instituted a suit, preferred an appeal or made an application, or could have done any act or thing required to be done by or under any law for the time being in force, has been detained in enemy territory in circumstances attributable to war or armed hostilities and the period of limitation expires while such person is so detained, such suit, appeal or application may be instituted, preferred or made, or such act or thing may be done, by such person, notwithstanding anything contained in the Limitation Act, 1908 (IX of 1908), or in any other law for the time being in force, within six months, of such person ceasing to be so detained:

Provided that, where a person has been so detained for two or more periods, those periods shall be treated, for the purpose of this section, as one continuous period beginning with the beginning of the first period and ending with the end of the last period:

Provided further that this section shall not apply to suits instituted to enforce rights of pre-emption or to suits, appeals or applications of any description which may be instituted by enemy subjects.