

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD

Dated the 29th June, 1992

No. 679-83/LD/Leg/92. The following Act of the Assembly received the assent of the President on 24th June, 1992, is hereby published for general information:-

(Act X of 1992)

AN

ACT

to amend the Limitation Act, 1908;

WHEREAS it is expedient to amend the Limitation Act, 1908 (Act IX of 1908) as adapted in Azad Jammu and Kashmir, in the manner hereinafter appearing;

It is hereby enacted as follows:--

1. Short title and Commencement.- (1) This Act may be called the Limitation (Amendment) Act, 1992.
(2) It shall come into force at once.

2. Amendment of Section 3, Act IX of 1908.- In the Limitation

Act, 1908 (Act IX of 1908), hereinafter referred to as the said Act, in Section 3, for the word "shall" the word "may" shall be substituted.

3. Substitution of Section 5, Act IX of 1908.- In the said Act, for Section 5, the following shall be substituted, namely:-

"S. Extension of period in certain case: Any suit, appeal or application for a revision or a review of judgment or for leave to appeal or other application may be admitted after the period of limitation prescribed therefor, when the plaintiff, appellant or applicant satisfied the Court that he had sufficient cause for not filing the suit, preferring the appeal or making the application within such period.

Explanation. - The fact that the plaintiff, appellant or applicant was misled by any circumstances, order practice or judgment of the High Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

4. Amendment of Section 13 Act IX of 1908.- In the said Act, in Section 13,-

(a) in the heading between the word “of” and “defendant’s” the words “plaintiff or” shall be inserted; and

(b) between the word “the” and “defendant” the words “plaintiff or” shall be inserted.

Amendment of Section 20, Act IX of 1908.- In the said Act, in Section 20, in sub-section (1),-

(a) the words “or of interest” at both the places shall be omitted; and

(b) the proviso shall be omitted.

Amendment of Section 28, Act IX of 1908.- In the said Act, in Section 28,-

(a) for the word “Extinguishment” the word “Bar” and for the word “extinguished” the word “barred” shall be substituted.

(b) after Section 28, the fullstop at the end shall be substituted by a colon and thereafter the following proviso shall be added, namely:-

“Provided that if the defendant is the owner of the property and he admits the claims of the plaintiff in the Court, then the Court shall decide the case according to his admission.

Amendment of First Schedule Act IX of 1908.- In the said Act, in the first schedule,-

(a) in Article, 7, for the words “one year” the words “three years” shall be substituted.

(b) in Article 10, for the words “one year” the words “four years” shall be substituted.

(c) in Article 17, for the words “one year” the words “three years” shall be substituted.

(d) in Article 57 and 102 to 115 for the words “three years” the words “six years” shall respectively be substituted.

(e) Articles 147 and 148 shall be omitted.

(f) in Article 149, for the words “six years”: the words “thirty six years” shall be substituted.

(g) after Article 149, the following shall be inserted, namely:

(h)

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GQ)

(k)

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"149-A. Any suit for common When the period of 36 years when the period of land in a village. Limitation begins to run under this Act.

Article 150, for words "seven days" the words "thirty days" shall be substituted.

in Article 151, for the words "twenty days" the words "ninety days" shall be substituted.

in Articles 152 to 154, for the words "thirty days" the words "ninety days" shall be substituted.

in Article 155, for the words "sixty days" the words "ninety days" shall be substituted.

in Articles 163 to 170, for the words "thirty days" the words "ninety days" shall be substituted.

Sd/-

(Syed Shakir Shah)

Deputy Secretary Law