

ORIGINAL SIDE JURISDICTION

LIMITATIONS IN THE CATEGORY OF THE CASES PERTAINS TO ORIGINAL SIDE JURISDICTION

Description Of Suits	Period Of Limitation	Time From which period begins to run
THIRD DIVISION - APPLICATION		
PART I - Applications in specified cases.		
1. For leave to appear and defend a suit under summary procedure	Ten Days	When the summons is served.
2. Under the Arbitration Act, 1940(10 of 1940),- (a) for the filing in court of an award (b) For setting aside an award or getting an award remitted for reconsideration	Thirty Days Thirty Days	The date of service of the notice of the making of the award. The date of service of the notice of the filing of the award.
3. Under the Code of Civil Procedure, 1908 (5 of 1908) to have the legal representative of a deceased plaintiff or appellant or of a deceased defendant or respondent made a party.	Ninety Days	The date of death of the plaintiff, appellant, defendant or respondent as the case may be.
4. Under the same Code for an order to set aside an abatement.	Sixty Days	The date of abatement.
5. To restore a suit or appeal or application for review or revision dismissed for default of appearance or for want of prosecution or for failure to pay costs of service of process or to furnish security for costs.	Thirty Days	The date of dismissal.
6. To set aside a decree passed ex parte or to re-hear an appeal decreed or heard ex parte. Explanation :- For the purpose of this article, substituted service under rule 20 of Order V of the Code of Civil Procedure , 1908 (5 of 1908) shall not be deemed to be due service.	Thirty Days	The date of the decree or where the summons or notice was not duly served, when the applicant had knowledge of the decree.

NOTE

Application for setting aside a decree passed ex parte - When summons served, but not in due time - Period of limitation would begins to run from the date of knowledge of the decree - Suit posted for appearance on 29-5-1990 but summons served on appellant - university on 28-5-1990 - There being no time much less sufficient time to reach the court for appearance on 29-5-1990, suit adjourned to 19-7-1990 but date not communicated to appellant an envisaged in Order 9, Rule 6(c) of Civil Procedure Code - Held Summons was not "duly served" and the period of limitation began to run only when appellant had knowledge of the ex parte decree- Since the application for setting aside the ex parte decree was made within 30 days from the date of knowledge of the decree, it was not barred by limitation. Gauhati University v/s Niharlal Bhattacharjee (1995) 6 SSC 731.

7. For a review of judgment by a court other than the Supreme Court,	Thirty Days	The date of the decree or order.
8. To record an adjustment or satisfaction of a decree	Thirty Days	When the payment or adjustment is made.
9. For the payment of the amount of a decree by installments	Thirty Days	The date of the decree.
10. To set aside a sale in execution of a decree, including any such application by a judgment debtor	Sixty Days	The date of the sale
11. For possession by on dispossessed of immovable property and disputing the right of the decree holder or purchaser at a sale in execution of decree.	Thirty Days	The date of the dispossession.
12. For possession after removing resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree.	Thirty Days	The date of resistance or obstruction
13. For leave to appeal as a pauper - (a) to the High Court; (b) to any other court.	Sixty Days Thirty Days	The date of decree appealed from. The date of decree appealed from
14. To any court for the exercise of its powers of revision under the Code of Civil Procedure, 1908 (5 of 1908), or the Code of Criminal Procedure, 1898 (5 of 1898)	Ninety Days	The date of the decree or order or sentence sought to be revised.
15. To the High Court for certificate of fitness to appeal to the Supreme Court under clause (1) of article	Sixty Days	The date of the decree, order or sentence.

132, article 133 or sub-clause (c) of clause (1) of article 134 of the Constitution or under any other law for the time being in force.		
16. To the Supreme Court for special leave to appeal.- (a) In a case involving death sentence; (b) in a case where leave to appeal was refused by the High Court; (c) in any other case	Sixty Days Sixty Days Ninety Days	The date of the judgment, final order or sentence. The date of the order of refusal. The date of the judgment or order.
17. For delivery of possession by a purchaser of immovable property at a sale in execution of a decree	One Year	When the sale becomes absolute.
18. For the enforcement of decree granting a mandatory injunction	Three Years	The date of the decree or where a date is fixed for performance, such date
19. For the execution of any decree (other than a decree granting a mandatory injunction) or order of any civil court	Twelve Years	[When] the decree or order becomes enforceable or where the decree or any subsequent order directs to any payment of money or the delivery of any property to be made at a certain date or at recurring periods, When default in making the payment or delivery in respect of which execution is sought, takes place. Provided that an application for the enforcement or execution of a decree granting a perpetual injunction shall not be subject to any period of limitation.