

PUNJAB LIMITATION (CUSTOM) ACT, 1920

1920 : P b. Act 1.1 LIMITATION (CUSTOM) THE PUNJAB LIMITATION (CUSTOM) ACT, 1920
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8. Short title and extent. Repeal. Definitions. Savings. Dismissal of suits of the description specified in the Act if instituted after the period of limitation therein prescribed has expired. Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act or the Punjab Limitation Act. Limitation on suits for possession where no declaratory decree has been obtained. Benefit of declaratory decree. Schedule. 1920 : Pb. Act I.] LIMITATION (CUSTOM) 601 THE PUNJAB LIMITATION (CUSTOM) ACT, 1920. Punjab Act I of 1920. [Received the assent of the Lieutenant-Governor of the Punjab on the 5th April, 1920, and that Of the Governor-General on the 2nd May, 1920, and was first published in the Punjab Gazette of the 28th May, 1 Year 1920 2 No. 3 Short title 4 Whether repealed or otherwise affected by legislation The Punjab Limitation Amended by the Indian Independence (Custom) Act, 1920 pendency (Adaptation of Bengal and Punjab Acts) Order of 1948 (G. G. O. 40) Amended by the Adaptation of Laws (Third Amendment) Order of 1951 Extended to the territories, which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union, by Punjab Act 43 of 1960. Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on States and Concurrent Subjects) Order, 1968. 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 '[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 persons who follow custom in 4[Punjab]; And whereas the previous sanction of the Governor-General has been accorded under section 79(2) of the Government of India Act, 1915, to the passing of this Act; It is hereby enacted as follows : 1. (1) This Act may be called the Punjab Limitation Short title and extent. (Custom) Act, 1920. For Statement of Objects and Reasons, see Punjab Gazette, 1919 Part V, pages 383—87, and for Select Committee's report, see ibid, 1920, Part V, pages 5—7 and for Proceedings in Council, see ibid, 1919, Part V, pages 425—28 ; and ibid, 1920, Part V, pages 119—25. Punjab Gazette, 1920, Part V, pages 253—55. 3For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1960, page 2010. 4Substituted for the words "East Punjab" (which had. been inserted for the word "Punjab" by the Indian. Independence (Adaptation of Bengal and Punjab Acts) Order, 1948) by the Adaptation of Laws (Third Amendment) Order, 1951. 602 LIMITATION (CUSTOM) [1920 : Pb. Act I. Repeal. Definitions. Savings. (2) It extends 11 Union Territory of Chandigarh]

2. The Punjab Limitation (Ancestral Land Alienation) Act, '1900, is hereby repealed. Act of 1900 3. 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. This Act shall not effect any suit pending In any court on the date on which this Act comes into force

5. Subject to the provisions contained in section 4 Dismissal of suits of the description specified in the Act and notwithstanding anything to the contrary contained in the first schedule of the said Act, every suit, of the description specified in the schedule annexed to prescribed has 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. Provision for 6. Notwithstanding anything herein contained, suits for which the period prescribed is shorter by this Act is shorter than the period of limitation than that prescribed by the Indian Limitation Act, 1908, or by prescribed by the Indian Limitation (Ancestral Land Alienation) Act or the Act, 1900, may be instituted within the period of one year next after the of this Act or tion Act. within the period prescribed for such suit by the Indian Limitation Act, 1908, or by the Punjab Limitation (Ancestral Land Alienation) Act, 1900, which ever period expires first. Limitation on suits for possession where no declaratory decree has been obtained

7. Subject to the provisions of section 6—(a) No suit for the possession of ancestral im- moveable property on the ground that an alienation of such property or the appoint- ment of an heir is not binding on the 1Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 1920 P b. Act 1.1 LIMITATION (CUSTOM) 603 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 im- moveable property by a plaintiff on the ground that he is as 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. When any person obtains a decree declaring that an alienation of ancestral immovable property or the appointment of an heir is not binding on him according to custom, the decree shall ensure for the benefit of all persons entitled to impeach the aliena- tion or the appointment of an heir.JAMITATION (CUSTOM) 1192() : lil). Act I 604 SCIIFODULII 1. Description of suit A suit for a declaration that an alienation of ancestral immoveable property will not. according to customs be binding on the Plaintiff after the death of the alienor (if the alienor is a female) aftes- her death or forfeiture of her interest in the property l'criod limitation 6 years 2. A suit for possession of an- cestral immoveable property w..ich has been alie• nated on the ground that the alienation is not bind- ing on the plaintiff accord- ing to custom— (a) if no declaratory decree of the nature referred Io in article I is obtained (b) if such declaratory decree is obtained 6 years 3 years Time from which begins to run Firstly. —If the alienation is by a registerd deed, the date of registration of such deed. 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 aliena- tion ; (c) in all other cases, the date on which the aliena- lion comes to the know- ledge of the plaintiff. As above The date on which the right to sue accrues or the date on which the declaratory decree is obtained, whichever is later. 1920 : Ply. Act . I IÄMITATION (CUSTOM) 605 4. 5

6. Description of suit A suit 'fov a declaration that an alleged appoint mcnt of an heir is invalid as bcinig opposed to custom or in fact never took Place A suit for possession of an- cestral immovable property on the ground that an ap- pointment of an 'heir is in- 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 A suit for a declaration that an alleged appointment of an heir was validly made according to cutom A suit for possesrion of an- cestral immoveable property by plaintiff cn the ground he is an heir appointed in accordance with custom entitled thereto— (a) if no declaratory decree of the nature referred to in article 5 is obtained ; (b) declaratory decree is obtained Period limitation 6 years 6 years 3 years 6 years 5 8 years years Time retic'd to t he date on «hieti the alleged appointment of an hier becomes to the plain. tiff. The date on which the alleged appointment of an heir be- comes known to the plaintiff. The date on which the right to sue accrues, or the date on 'which the declaratory decree is obtained, whichever is later, The date when the right of the alleged appointed heir are interfered with. The date when his rights as such heir are interfered with. The date of the death of the person making the appoint- ment Or if (such person is a female) of her death or of the forfeiture of her interest io the property or the date on which the declaratory decree is obtained whichever is later.