



## The Punjab Limitation (Custom) Act, 1920

Act 1 of 1920

**Keyword(s):**

**Alienation, Appointment of an Heir**

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# THE PUNJAB LIMITATION (CUSTOM) ACT, 1920.

## ARRANGEMENT OF SECTIONS

### SECTIONS

1. Short title and extent.
2. Repeal.
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4. Savings.
5. Dismissal of suits of the description specified in the Act if instituted after the period of limitation therein prescribed has expired.
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7. Limitation on suits for possession where no declaratory decree has been obtained.
8. Benefit of declaratory decree.

### Schedule.

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1. For Statement of Objects and Reasons, *see* Punjab Gazette, Extra., dated the 25th February, 1961.

The Act, applies only to the merged areas, by virtue of Sec. 88 of the Punjab Re-organisation Act, 1966.

**THE PUNJAB LIMITATION (CUSTOM) ACT, 1920**

(PUNJAB ACT I OF 1920)<sup>1</sup>

(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 published in the Punjab Gazette of the 28th May, 1920, Part V, p. 253—255)

Amended, repealed or otherwise affected by—

- (i) Indian Independence (Adaptation of Bengal and Punjab Acts) Order of 1948 (G.G.O. 40).
- (ii) Adaptation of Laws (Third Amendment) Order of 1951.
- (iii) A.O. 1968, published in R.H.P., dated the 1st February, 1969, p. 158—161.
- (iv) A.O. 1973, published in R.H.P. Extra., dated the 20th January, 1973, p. 91—112.

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 <sup>2</sup>[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 <sup>2</sup>[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. For Statement of Objects and Reasons, *see* Punjab Gazette, 1919 Part V, p. 383—87, and for Select Committee's report, *see* *ibid*, 1920, Part V, p. 5—7.

The Act applies to merged areas and to Bilaspur District of old areas, to the former by virtue of Sec. 88 of the Punjab Re-organisation Act, 1966 ; and to the latter by Bilaspur (Application of Laws) Order, 1949. It was extended to the erstwhile Pepsu areas by Punjab Act No. 43 of 1960.

The Act as published here is as applicable to merged areas and in its application to Bilaspur, it is to be read with the modification that sub-section (2) of section 1 shall stand omitted.

2. Subs. 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.

**1. Short title and extent.**—(1) This Act may be called the Punjab Limitation (Custom) Act, 1920.

(2) It extends to <sup>1</sup>[the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966.]

**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 <sup>2</sup>[4 to 24 of Limitation Act, 1963], 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 suits 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 <sup>3</sup>[Limitation Act, 1963] 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 immovable 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

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1. Subs. by A.O. 1968 for the word “Punjab” which was subs. by Adaptation of Laws Order, 1950, for “East Punjab”

2. Subs. for figures and words “4 to 25 (inclusive) of the Indian Limitation Act, 1908” by A.O. 1973.

3. Subs. for “Indian Limitation Act, 1908” by *ibid.*

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 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. **Benefit of declaratory decree.**—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 alienation or the appointment of an heir.

#### SCHEDULE

Description of suit	Period of limitation	Time from which period begins to run
<p>1. A suit for a declaration that an alienation of ancestral immovable property will not, according to custom, be binding on the plaintiff after the death of the alienor (if the alienor is a female) after her death or forfeiture of her interest in the property</p>	6 years	<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—</p> <p>(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 ;</p> <p>(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 ;</p> <p>(c) in all other cases, the date on which the alienation comes to the knowledge of the plaintiff.</p>

## SCHEDULE

Description of suit	Period of limitation	Time from which period begins to run
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	6 years	.. As above
(b) if such declaratory decree is obtained	3 years	.. The date on which the right to sue accrues or the date on which the declaratory decree is obtained, whichever is later.
3. A suit for a declaration that an alleged appointment of an heir is invalid as being opposed to custom or in fact never took place	6 years	.. The date on which the alleged appointment of an heir becomes known to the plaintiff.
4. A suit for possession of ancestral immovable 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	6 years	.. The date on which the alleged appointment of an heir becomes known to the plaintiff.
(b) if such declaratory decree is obtained	3 years	.. The date on which the right to sue accrues, or the date on which the declaratory decree is obtained, whichever is later.
5. A suit for a declaration that an alleged appointment of an heir was validly made according to custom	6 years	.. The date when the rights of the alleged appointed heir are interfered with.
6. A suit for possession of ancestral immovable property by a plaintiff on the ground that 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 ;	6 years	.. The date when his rights as such heir are interfered with. ;
(b) if such declaratory decree is obtained	3 years	.. The date of the death of the person making the appointment or if (such person is a female) of her death or of the forfeiture of her interest in the property or the date on which the declaratory decree is obtained whichever is later.