



The Puducherry Limitation (Repeal of Local Laws) Act, 1994

Act 15 of 1994

Keyword(s):

Local Law, Repeal, Pending suits

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THE PUDUCHERRY LIMITATION (REPEAL OF LOCAL LAWS) ACT, 1994

(Act No. 15 of 1994)

ARRANGEMENT OF SECTIONS

SECTION

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THE PUDUCHERRY LIMITATION (REPEAL OF LOCAL LAWS) ACT, 1994

(Act No. 15 of 1994)

(03-01-1995)

AN

ACT

to repeal the local laws relating to limitation in force in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of the Union territory of Puducherry in the Forty-fifth Year of the Republic of India as follows: --

Short title, extent and commencement

1. (1) This Act may be called the Puducherry Limitation (Repeal of Local Laws) Act, 1994.

(2) It shall extend to the whole of the Union territory of Puducherry.

+ (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires, --

- (i) "Government" means the Administrator appointed by the President under article 239 of the Constitution; and
- (ii) "local law" means any Act, Ordinance, Regulation, rule, order, bye-law, decree or other provisions (by whatever name called) having the force of law which have been continued to be in force by virtue of sub-section (1) of section 4 of the Puducherry Administration Act, 1962.

Repeal of the local laws relating to limitation

3. All local laws in force in the Union territory of Puducherry or any area thereof, corresponding to the Limitation Act, 1963 (Central Act 31 of 1963) (hereinafter referred to as the Limitation Act) shall stand repealed from the date of coming into force of this Act.

Savings

4. Notwithstanding anything contained in this Act, --

(a) any suit for which the period of limitation prescribed in the Limitation Act is shorter than the period of limitation prescribed by the local laws may be instituted --

(i) within such shorter period or within a period of one year next after the commencement of this Act, whichever is longer, or

(ii) within the period prescribed for such suit by the local laws, whichever period expires earlier; and

(b) any appeal or application for which the period of limitation prescribed under the Limitation Act is shorter than the period of limitation prescribed by the local laws may be preferred or made,-

(i) within such shorter period or within a period of ninety days next after the commencement of this Act, whichever is longer, or

(ii) within the period prescribed for such appeal or application by the local laws, whichever period expires earlier.

Provisions as to bar of pending suits

5. Nothing in this Act shall, --

(a) enable any suit, appeal or application to be instituted, preferred or made, for which the period of limitation prescribed by the local laws expired before the commencement of this Act; or

(b) after any suit, appeal or application instituted, preferred or made before, and pending at, such commencement.

Explanation.- Any suit, appeal or application which has been filed but which has been returned for resubmission after rectification of defects shall not, for the purposes of the foregoing clause, be deemed to be a suit, appeal or as the case may be, application instituted, preferred or made before and pending at the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS FOR ACT NO. 15 OF 1994

The Indian Limitation Act, 1963, was enacted by the Parliament and brought into force from 1-1-1964. The Act came into force in this Union territory from the above date itself. In the meantime, even though, many of the substantive civil laws in force in the other parts of the country were extended to the Union territory of Puducherry repealing the corresponding French Law, the provisions relating to limitation in the French Law like French Civil Code, Code Commercial, etc., have not been specifically repealed. In the result, the French Law of Limitation continues to remain in force side by side with the provisions of the Indian Limitation Act. This has created lot of confusion and this has also unduly prolonged extinction of the causes of action arising from time to time. The position has turned to be such that in one or two cases, the High Court has gone to the extent of even declaring that the Indian Limitation Act has not been extended to Puducherry. The ultimate result is that for every cause of action, the period of limitation pleaded is 30 years. In view of this situation, it is proposed to repeal the French Law of Limitation that remain in force as local law, so that our Union territory can fall in line with the rest of the country in matters relating to law of limitation.

The Bill seeks to achieve the above objects.