

6. Legal disability. (1) Where a person entitled to institute a suit ¹[or proceeding] or make an application for the execution of a decree is, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit ²[or proceeding] or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the First Schedule ³[or in Section 48 of the Code of Civil Procedure 1908].

(2) Where such person is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

(3) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

(4) Where such representative is at the date of the death affected by any such disability, the rules contained in sub-section (1) and (2) shall apply.

Illustrations

- (a) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accrual. He may institute his suit at any time within three years from the date of his attaining majority.
- (b) A right to sue accrues to Z during his minority. After the accrual, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.
- (c) A right to sue accrues to X during his minority, X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

COMMENTS

Persons under legal disability. Can file suit with period of limitation provided in the first schedule on attainment of majority or cessation of disability. [PLD 2004 Lah 255]. Where limitation had started running against minor and remainder of limitation was less than three years, then suit can be filed within three years without any further extension of time. [2007 SCMR 1792].

1. Ins. by Ord. XLIII of 1962.
2. Ins. by Ord. XLIII of 1962.
3. Ins. by Ord. XLIII of 1962.

7. Disability of one of several plaintiffs or applicants. Where one of several persons jointly entitled to institute a suit [or proceeding] or make an application for the execution of a decree is under any such disability, and a discharge can be given without the concurrence of such person, time will run against them all: but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

Illustrations

- (a) A incurs a debt to a firm of which B, C and D are partners, B is insane, and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.
- (b) A incurs a debt to a firm of which E, F and G are partners, E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

8. Special exceptions. Nothing in Section 6 or Section 7 applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

Illustrations

- (a) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accrual. A has, under the ordinary law, only one year remaining within which to sue. But under Section 6 and this Section an extension of two years will be allowed to him, making in all a period of three years from the date of his attaining majority within which he may bring his suit.
- (b) A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accrual A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given to him under Section 6 read with this section.
- (c) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accrual, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. Section 6 read with this Section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

9. Continuous running of time. Where once time has begun to run, no subsequent disability or inability to sue stops it:

Provided that where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

COMMENTS

Scope. Limitation if commences to run would continue to run unless stopped by virtue of any express statutory provision. [2007 SCMR 1792]. Limitation once begins to run then no subsequent disability or inability to sue could stop the same. [2009 CLD 1671].

10. Suits against express trustees and their representatives. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property or the proceeds thereof, or for an account of a such property or proceeds, shall be barred by any length of time.

¹[For the purposes of this Sections any property comprised in a Hindu, Muhammadan or Buddhist religious or charitable endowment shall be deemed to the property vested in trust for a specific purpose and the manager of any such property shall be deemed to be the trustee thereof].

COMMENTS

Scope. Period of Limitation of one year for instituting a suit for pre-emption from the date on which a vendee takes under the sale physical possession of any part of such land or property which ever is earlier. Art. 10 of Limitation Act, must be possession under sale sought to be impeached and such possession could only be taken in the instance case i.e. date of deed of sale, and consequently the suit was not barred by time. [PLD 2009 SC 965].

11. Suits on foreign contracts. (1) Suits instituted in Pakistan on contracts entered into in a foreign country are subject to the rules of limitation contained in this Act.

(2) No foreign rule of limitation shall be a defence to a suit instituted in Pakistan on a contract entered into in a foreign country, unless the rule has extinguished the contract and parties were domiciled in such country during the period described by such rule.

¹ Inserted by the Limitation (Amendment) Act, 1929 (I of 1929) S. 2.

PART III COMPUTATION OF PERIOD OF LIMITATION

12. Exclusion of time in legal proceedings. (1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

(2) In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed shall be excluded.

(3) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.

(4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

(5) For the purposes of sub-sections (2), (3) and (4), the time requisite for obtaining a copy of the decree, sentence, order, judgment or award shall be deemed to be the time intervening between the day on which an application for the copy is made and the day actually intimated to the applicant to be the day on which the copy will be ready for delivery.]"

COMMENTS

Limitation starts to run when the applicant is informed about his application. [PLJ 2009 Lah. 127].

Delay due to spent time in obtaining copy of order. Time spent by petitioner in obtaining copy of trial Court's judgment as required under O. XLII, R. 2 of CPC will constitute sufficient cause within meaning of S. 5 of Limitation and will cover even period lapsing between actual receipt copy and filing of the same in High Court. First Appeal should not be dismissed only on the ground of limitation. [PLJ 2009 Lah. 962].

Section 12(5). Sub-section (5) of Limitation Act, 1908 was added by Limitation (Amendment) Act, XVIII of 1991. It provides that for the purposes of sub-sections (2), (3) and (4) the time requisite for obtaining a copy of the decree, sentence, order, judgment or award shall be deemed to be the time intervening between the day on which an application for the copy is made and the day actually intimated to the applicant to be the day when they are ready for delivery and prefers to get delivery thereof on a later date,

no indulgence can be shown to them. [PLJ 1993 Lah 120; PLJ 1991 S.C. 159; PLJ 1988 S.C. 144]. Where a date is given for the purpose of delivery, the time requisite for obtaining copies would be that stipulated date, if not the time will be reckoned from the date of notice or the delivery of copies as the case may be. [2005 SCMR 973]. It is necessary that the appellant should produce the chit/receipt issued by the copying agency showing the date of preparation of certified copy. Non production of such document may prove fatal. [PLD 2008 S.C. 577]. Section 12(5) of Limitation Act, 1908 and R.331 of Sindh Chief Court Rules provided that appellant had a right of notice about date on which copies were to be ready for delivery. Appellant in absence of such notice could not be made responsible to explain delay caused between date of preparation and date of delivery of copies. Time in such case consumed between date of preparation and date of delivery of copies would be deemed as time requisite for obtaining copies. High Court set aside impugned order while treating appeal to have been filed within time. [PLD 2009 Kar. 247]. When no receipt was furnished to petitioner showing date when copies were to be received after preparation and due to ailment of counsel of petitioner, therefore, delay in collection of certified copy was not due to gross negligence of petitioner or his counsel. Where dispute was regarding rights over property of parties closely related, *inter se*, merely deciding appeal as time barred would not serve ends of justice, when no gross negligence was shown. Lower Appellate Court should have condoned delay in filing of appeal as sufficient cause for the same had been shown an envisaged under S. 5 of Limitation Act, 1908. [2009 MLD 645].

Suo motu exercise of jurisdiction by High Court or District Court under S. 115, C.P.C. in case of time-barred revision petition. Scope. Proceedings before Revisional Court being proceedings between Court and Court for ensuring strict adherence to law and safe administration of justice. Exercise of revisional jurisdiction in any form being discretionary, which High Court or District Court could exercise if conditions since *qua non* for its exercise were satisfied. Time-barred revision petition could not deprive Revisional Court of its corrective and supervisory jurisdiction. Revisional Court, if seized of a revision petition either filed beyond prescribed period or suffering from procedural lapses but satisfying conditions for exercise of its *suo motu* jurisdiction, could treat such petition as an information to correct errors of jurisdiction committed by subordinate Court. Proper place of procedure would be to provide stepping stones and not stumbling blocks in way of administration of justice. If such *suo motu* revisional jurisdiction was allowed to go into spiral of technicalities and fetters of limitation, then purpose behind conferring same on such Courts would not only be defeated, but words providing therefor would be reduced to dead letters. Revisional Court would fail in its duty if it dismissed revision petition on technical grounds despite finding an illegality or material irregularity in impugned judgment. [PLD 2010 SC 582 at p. (1186); AIR 1964 Assam & Nagaland 141; PLD 1990 SC 800; PLD 1963 SC 382; PLD 1975 SC 678; 2003 YLR 1994 rel. PLD 2012 SC 400]

Appeal. Limitation. Leave to appeal was granted to consider whether the time for filing appeal or application for restoration of appeal dismissed for non-prosecution would run from the date of impugned order or from the date of getting knowledge of the

Intra-Court appeal. Limitation. Exclusion of time spent in obtaining certified copy of impugned order dated 3.11.2009. Appellant applied for such certified copy on 19.11.2009, and copyist estimated its cost on 25.1.2010, and appellant paid same on 29.1.2010 and filed appeal on 3.2.2010. Respondent's plea that due to failure of appellant to pursue the matter of the copy vigilantly, he was responsible for such inordinate delay in estimation of its cost. Validity. Estimation of cost was within discretion and power of concerned copyist, and appellant had neither any role to play therein nor had power to have got cost estimated. Time taken by copyist in estimation of cost could not be attributed to appellant, rather same would be excluded from time taken by him in filing appeal. [2012 CLC 1293]

13. Exclusion of time of defendant's absence from Pakistan and certain other territories. In computing the period of limitation prescribed for any suit the time during which the defendant has been absent from Pakistan and from the territories beyond Pakistan under the administration of the Central Government shall be excluded.

14. Exclusion of time of proceeding bona fide in Court without jurisdiction. (1) In computing the period of limitation prescribed for any suit the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation prescribed for any application the time during which the application has been prosecuting with due diligence another civil proceeding whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature is unable to entertain it.

Explanation I. In excluding the time during which a former suit or application was pending, the day on which that suit or application was instituted or made, and the day on which the proceeding therein ended, shall both be counted.

Explanation II. For the purposes of this section, a plaintiff or an application resisting an appeal shall be deemed to be prosecuting a proceeding.

Explanation III. For the purposes of this Section misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

Scope. Object is protection against the bar of limitation of a party bona fide pursuing his case and seeking adjudication on merits. [2002 SCMR 144]. Provision of this Section comes into play when condition are fulfilled that plaintiff had been prosecuting another civil proceedings against defendant. [2010 SCMR 36].

Applicant is required to make an independent application under O.VII, R.6, C.P.C., seeking exemption by explaining each days delay, otherwise the suit will be hit by this rule and liable to be rejected under O. VII, R. 11, C.P.C. [PLD 2009 Lah. 52]. Benefit of S. 14 can be sought by a party through an application to Court, but not otherwise. [2009 CLD 1671].

Bar of limitation. When condonations were fulfilled that plaintiff had been prosecuting another civil proceedings against defendant; that he had been prosecuting it with due diligence; that it was prosecuted in good faith; and that it did not bear fruit because Court was unable to entertain it due to defect of jurisdiction or other cause of alike nature. [2010 SCMR 36].

Appeal before wrong forum. Despite S. 14, if appellant is able to establish that he followed the remedy before a wrong forum in good faith with due care and caution, the Court may condone such delay under Section 5 but filing appeal before wrong forum on account of mistaken advice by itself would not attract S. 5 of the Limitation Act. [PLD 2000 S.C. 94]. Party would not be entitled to condonation of delay unless proves that he has been seeking remedy before wrong forum in good faith. [2004 SCMR 145]. Proceedings bona fide in Court without jurisdiction, delay caused to be ignored in calculating the limitation period. [2004 YLR 1256]. Exclusion of time is mandatory. [PLJ 2014 Peshawar 280]

All proceedings and fixation of validation was in his knowledge then filing of appeal in wrong forum does not entitle for condonation of delay u/S. 14 of Limitation Act for not filing appeal vigilantly and with due care plaintiffs were also practicing Advocates. Applicants were not entitled for condonation of delay when no explanation was given for delay after receipt of appeal back from wrong forum when certified copies were also received till filing of appeal before High Court. [PLJ 2013 Lahore 405]. Article 14 of Limitation Act, was not applicable to the case of petitioners and the case would be covered within Art. 120 of Limitation Act, a residuary clause provides. [PLJ 2009 Lah. 89].

Section 14 of the Act comes into pay if the following condonations are fulfilled:
 (a) that the plaintiff had been prosecuting another civil proceeding against the defendant
 (b) that he had been prosecuting it with due diligence, (c) that the present proceeding is founded upon the same cause of action (d) that it was prosecuted in good faith (3) that it did not bear fruit because the Court was unable to entertained it due to defect of jurisdiction or other cause of alike nature. [PLJ 2010 SC 570 (a)].

Period spent in seeking review. Time spent cannot be excluded in case the review petition is dismissed on the ground other than lack of jurisdiction. [PLD 2000 S.C. 63].

Connotation. Phrase "due diligence" as used in S. 14 of Limitation Act, 1908.
[2012 CLC 945]

15. Exclusion of time during which proceedings are suspended. (1) In computing the period of limitation prescribed for any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn, shall be excluded.

(2) In computing the period of limitation prescribed for any suit of which notice has been given in accordance with the requirements of any enactment for the time being in force, the period of such notice shall be excluded.

COMMENTS

Cases squarely falling within ambit of First Part of Art. 113 of Limitation Act, 1908 could not be adjudged or considered on touchstone of its Second Part for both being independent meant to cater two different types of suits of specific performance in relation to limitation attracted thereto. Limitation in suit for specific performance of agreement having a fixed date of its performance would run forthwith from such date irrespective of and notwithstanding there being a default, lapse or inability on part of either party thereto to perform his part of obligation in relation thereto. In cases falling in Second Part of Art. 113, wherein date of performance was not fixed or certain, date of refusal of performance would be only basis for computing limitation period. Exemption or exclusion from or enlargement of period of limitation in cases falling in First Part of Art. 113 of Limitation Act, 1908 would be permissible only if there was a change in date fixed or same was dispensed with by parties vide any subsequent express agreement in writing made within original period of limitation by resorting to novation of original agreement or acknowledgment within purview of S. 19 thereof. Party claiming such exemption etc., if same was provided and available under law, would be bound to plead grounds thereof in the plaint. General principle to the effect that "time is not the essence of contract" for proposition of limitation of cases of specific performance. Limitation was a command of law prescribing statutory period within which a right had to be exercised or enforced. Courts would have no lawful authority to ignore date/period stipulated in contract meant to regulate period of limitation in terms of First Part of Art. 113 of Limitation Act, 1908. No exemption qua period of limitation in law could be claimed by plaintiff on account of pendency of litigation simpliciter in absence of an order of competent Court preventing him to file suit. [2007 SCMR 1792; PLD 1983 SC 344 rel. PLD 2012 SC 247]

Exclusion of time. Period for which stay is continued has to be excluded if suit or a decree is stayed and it is immaterial that stay order was operative between parties to suit or between one of the party and stranger [2009 MLD 1484].

16. Exclusion of time during which proceedings to set aside execution sale are pending. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which a proceeding to set aside the sale has been prosecuted shall be excluded.

17. Effect of death before right to sue accrues. (1) where a person, who would, if he were living have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(2) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(3) Nothing in sub-sections (1) and (2) applies to suits to enforce rights of pre-emption or to suits for the possession of immovable property or of an hereditary office.

18. Effect of fraud. Where any person having a right to institute a suit or make an application has, by means of fraud been kept from the knowledge of such right or of the title on which it is founded,

or where any document necessary to establish such right has been fraudulently concealed from him,

the time limited for instituting a suit or making an application:

(a) against the person guilty of the fraud or accessory thereto, or

(b) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when the first had the means of producing it or compelling its production.

COMMENTS

Fraud. Fraud if proved, vitiates even solemn proceedings. No time limit for challenging fraudulent transaction. [2006 YLR 490].

Announcement of award. S. 18(b) of Land Acquisition Act, would apply and the period of limitation would be six months from the date of announcement of award. [PLJ 2009 Pesh. 219].

19. Effect of acknowledgment in writing. (1) Where, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed.

(2) Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but subject to the provisions of the Evidence Act, 1872, oral evidence of its contents shall not be received.

Explanation I. For the purposes of this Section acknowledgment may be sufficient though it omits to specify the exact nature of the property or right or avers that the time of payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation II. For the purposes of this section, "signed" means signed either personally or by an agent duly authorized in this behalf.

Explanation III. For the purposes of this Section an application for the execution of a decree or order is an application in respect of a right.

COMMENTS

Requirement of S. 19. Acknowledgement in writing of liability after expiry of limitation is of no consequence. [2006 CLD 258].

On each time liability is admitted directly or indirectly, expressly or impliedly, overtly or implicitly it will have the effect of giving a fresh period of limitation in respect of the liabilities so admitted. [PLD 2003 Kar. 523].

Acknowledgment of time barred debt. Would revive period of limitation for its recovery. [2007 SCMR 1318].

Acknowledgement of liability in writing made after expiry of period of limitation. Such acknowledgement would be irrelevant and would not come within ambit of S. 19 of Limitation Act, 1908 and could not give fresh start to period of limitation and save matter from being time-barred. [PLD 2012 Sindh 182]

20. Effect of payment on account of debt or of interest on legacy. (1) ¹Where payment on account of debt or of interest on a legacy is made before the expiration of the prescribed period by the person liable to pay the debt or legacy, or by his duly authorized agent,

1. Substituted for the original sub-section (1), by the Limitation (Amendment) Act, 1942 (XVI of 1942), S. 2. [30.3.1942].

Ss. 21-22]

a fresh period of limitation shall be computed from the time when the payment was made]:

[Provided that, ****¹ an acknowledgment of the payment appears in the handwriting of, or in a writing signed by, the person making the payment].

Effect of receipt of produce of mortgaged land.

(2) Where mortgaged land is in the possession of the mortgagee, the receipt of the rent or produce of such land shall be deemed to be a payment for the purpose of sub-section (1).

Explanation. Debt includes money payable under a decree or order of Court.

21. Agent of person under disability. (1) The expression "agent duly authorized in this behalf", in Sections 19 and 20, shall, in the case of a person under disability, include his lawful guardian, committee or manager, or an agent duly authorized by such guardian, committee or manager to sign the acknowledgment or make the payment.

(2) Acknowledgment or payment by one of several joint contractors, etc. Nothing in the said Sections renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed or of a payment made by, or by the agent of, any other or others of them.

²[(3) For the purposes of the said sections:--

(a) an acknowledgment signed, or a payment made, in respect of any liability, by, or by the duly authorized agent of, any widow or other limited owner of property who is governed by the Hindu Law, shall be a valid acknowledgment or payment, as the case may be, as against a reversioner succeeding to such liability; and

(b) where a liability has been incurred by, or on behalf of, a Hindu undivided family as such, an acknowledgment or payment made by, or by the duly authorized agent of, the manager of the family for the time being shall be deemed to have been made on behalf of the whole family].

22. Effect of substituting or adding new plaintiff or defendant. (1) Where, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party.

1. Omitted by Ord. XXXIV of 1981.

2. Inst. by Limitation Act, 1908, s. 3.

(2) Nothing in sub-section (1) shall apply to a case where a party is added or substituted owing to an assignment or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff. [Ss. 23-25]

23. Continuing breaches and wrongs. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

COMMENTS

Malicious prosecution. Mere claiming of damages on account of loss/damages to his person, properties cannot be granted in absence of any evidence led in that regard. [PLD 2000 Kar. 214].

Section 23 read with O.II, R.2, C.P.C. Continuing breaches and wrongs. When the plaintiff earlier filed the suit, the cause of action in its favour had fully matured for relief and it could competently ask for the same, but this was not done. [PLD 2009 Lah. 52].

Suit for damages. Starting point is to be counted from the date of acquittal and not from the date of appeal. If the person is convicted by the trial Court then the time in appeal can also be considered. In the present case the plaintiff is acquitted and the cause of action, if any, accrued to him, was to be counted from the date of acquittal. [2009 YLR 1624].

If the acquisition is for the company, the company will be obliged to pay 25% to the expropriated land owners. If the acquisition for the public purpose. In spite of the fact that acquiring department was a company i.e. WAPDA but the acquisition was for the public purpose. Thus the landowners held entitled to 25% compulsory acquisition charges. [PLJ 2009 Pesh. 156].

24. Suit for compensation for act not actionable without special damage. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

Illustration

A owns the surface of a field. B owns the sub-soil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

25. Computation of time mentioned in instruments. All instruments shall, for the purposes of this Act, be deemed to be made with reference to the Gregorian calendar.

Illustrations

- (a) A Hindu makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiration of four months after date computed according to the Gregorian calendar.
- (b) A Hindu make a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiration of one year after date computed according to the Gregorian calendar.