Page 1955 - 1966 **DOI:** *https://doij.org/10.10000/IJLMH.114620*

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 2

2023

Statute of Limitations: An Analysis

TUSHTI WADHWA[1]

ABSTRACT

Across most legal systems, the sense of time holds an unfavourable but dogged and sustainable status. The aim is that fundamental legal problems are addressed, and individual justice is achieved, and the other is a proclivity for a systematised judicial framework that addresses matters promptly, fairly, and constructively.

Oliver Wendell Holmes, Jr. raised the question a century ago, "What is the rationale for denying a person of his rights, a total injustice within itself, in consequence of the lapse of time?" This paper aims to deepen that analysis.

The law of limitations is a combination of legislative action and judicially formed legal laws that define to see if a complaint has a set limitation period, such as the category of complaints, the length of limitation durations, the relevant norms of accumulating and levying, and so forth. With few exclusions, rules based on action limitation have seldom been the subject of significant investigation. This loss of interest is perplexing. Limitation regulations are a fundamental part of the legal framework. They prevail in about every nation. Their existence date back centuries,' and temporal limitations are in operation for centuries.

Further, this paper focuses on the effect, impact and importance in the judicial system and how the limitation framework addresses legal problems and whether the justice is served or not.

Keywords: *legal problems, justice, judicial framework, limitation framework, temporal limitations, legislative actions.*

I. INTRODUCTION

The limitations concept aids unaddressed, and possibly irreconcilable, imbalances that exist throughout the judicial framework. How else do we assess the importance of paying those who have been victimized vs indicting those who have been victimised? What is the best way to find a middle ground between personal interests and the well-being of humanity overall? In this setting, as in any other, the responses to such an issue are opaque.

The limitation mechanism is the complex interrelationship between two opposing strategies: those advocating for the neutralisation of premature cases and those advocating for the

[1] Author is a LL.M. Student at Amity University, Noida, Uttar Pradesh, India.

 [ISSN 2581-5369]

determination of all disputes, whether promptly or not, on their merits. Every actor in the judicial framework benefits from a solid awareness of both principles systems. Attorneys who would like to present the best sensible argument should keep both ranges of principles insight when there is confusion over which limitation rule applies or when the proper rule is vague. Judges who are relied upon to implement, and in few circumstances construct, the principles of the limitation framework in resolving specific cases should do the same.

The limitation system reasoning is based on three propositions. The first is that the judicial framework strives to reduce adjudication bias and error. The second aspect is that, on equilibrium, testimony worsens over the period. The third aspect is that the impacts of such worsening on the judicial system's correctness can be prevented by excluding any cases filed after the statute of limitations has lapsed.

The first proposition is reasonable. Our judicial system strives to minimise inaccuracies in the reality of course. "The higher the degree of precision, the fewer innocent people are sanctioned, and the more criminal people are punished."[2] For at least two things, this is significant. First, imposing civil liability on an innocent suspect would be no less wrong than refusing recompense to a potential victim.[3] Substituting one sufferer for another by shifting a complainant's loss to a victimised respondent. Second, specious judgement lessens the severity of the punishment. If a person is nearly as likely to be punished regardless of whether or not he or she committed a transgression that would result in some self-gain, there is no incentive to refrain from transgression.

II. THE MULTIFACETED INTENTIONS OF STATUTE OF LIMITATIONS

- *NURTURE TRANQUILLITY:*

According to popular belief, the primary goal of restricting the time during which cases can be filed is to foster tranquilly. However, the meaning of the phrase "tranquilly" is rarely articulated. "Tranquillity" encompasses at least three possible separate but interrelated notions in the setting of action limitation: allowing a sense of peace; avoiding breaking fixed assumptions; reducing possible risks, and lowering the expense of measures aimed to shield against the danger of untimely lawsuits. Courts have rarely attempted to separate these four aspects since they are so intricately linked. However, because some parts of tranquilly are more troublesome than others, it is important to think about them individually.

[2] Louis Kaplow and Steven Shavell, Accuracy in Liability Determination, 37 J. L. and EcON. I, 1 (1994).
[3] GEORGE P. FLETCHER, BASIC CONCEPTS OF LEGAL THOUGHT 79·80 (1996)

 [ISSN 2581-5369]

- *REDUCE THE RISK OF EVIDENCE WORSENING:*

A further major rationale driving statutes of limitation seems to be the aim of preventing evidence weakening. Consequently, the statutes serve a specific public purpose, forbidding the statement of claims that have become complex and hard to rebut due to an unjustified delay in time.[4]

Preventing evidence weakening, like fostering repose, serves many different but overlapping purposes: to assure accuracy in factfinding; to avoid the state of frivolous claims, and to avoid the claim of bogus accusations.

- *BALANCE THE POSITIONS OF RESPONDENTS AND COMPLAINANTS:*

The suspicion that the march of time would further cause the weakening of evidence, but will also enable the claimant to obtain an extra edge over the respondent is amongst the most compelling policies promoting limitation of actions. One of the goals of a limitation mechanism, according to several cases, is to refrain from making it unduly complex for respondents to respond to allegations against them.

Statutes of limitations accomplish this aim by mandating the earliest notice to prospective respondents, allowing both sides to present evidence while the facts are still organic.

Regardless if someone has a legitimate claim, it is unreasonable to not provide the opposing party notice to counter within the statute of limitations.

This practice is not the same as the policy of not resolving cases based on evidence that has deteriorated to the point where it no longer provides a competent foundation for adjudication. Instead, this doctrine is based on the assumption that delay advantages the defendant over the plaintiff since the complainant can undertake steps to conserve evidence beneficial to his or her claim while evidence favourable to the defendant worsens.

In a worst-case scenario, the complainant could "time shop" and file a suit that is most beneficial to him or her and least beneficial to the respondent. Allowing the complainant, a one-sided solution to delay filing suit permits the complainant to anticipate the amount to which evidence will worsen and whether such degradation would be more detrimental to one party than another.

The idea that alerting the respondent of the presence of a potential claim should indeed be handled as if it were a lawsuit for limitation of actions is questionable. At one point, such an arrangement makes it more difficult to determine when the time frame ends. Although there is minimal space for disagreement concerning whether a complaint has been filed, the date and

[4] Addison v. State. 21 C

 [ISSN 2581-5369]

adequacy of notification are commonly disputed. More crucially, this approach misses other aims of activity limitation, such as encouraging relaxation and fact-finding validity. A genuine memo achieves little more than putting the respondent and complainant on equal ground in terms of gathering evidence and maintenance.

- *HALVE THE LIKELIHOOD OF LAWSUITS:*

"The basic goal of the law," according to some, "is to govern behaviour." For three main reasons, quick application of substantive law results in significant deterrence of misconduct to the extent that it serves a deterrent rather than a compensation function. Firstly, if all other factors are equal, the penalty that occurs closer to the time of the incident is more able to deter misbehaviour than punishment that occurs later. Secondly, any delay in enforcing punishments encourages the offender to commit more crimes before the consequences of punishment kick in. Thirdly, the integration of processes of deterrence derived from pursuing old disputes is expected to be negligible. If the perpetrator has not continued his or her misbehaviour, he or she has been rehabilitated, and no amount of punishment will alter his or her behaviour.

The legal system is mainly reliant on victims' independent execution of civic responsibilities. As a result, statutes of limitation might contribute to the substantive law's consequences by pushing the quick execution of lawsuits. Nevertheless, this impact must be calibrated against the decrease in punishment caused by action limitations.

The extent of implementation, the precision of judgement, the degree of harm, and the efficiency with which sanction is granted all affect the repercussion of a substantive law norm. While boosting prompt judicial oversight of claims rises deterrence by raising the current value of a given potential punishment to the wrongdoer, extinguishing valid cronies diminishes enforcement or reduces judicial accuracy by increasing the likelihood that the perpetrator will escape punishment entirely[5]. It is difficult, if not unattainable, to calculate the overall impact of these contrasting impacts on deterrence.

The customary rule's flexibility to evolve quickly and flexibly societal conditions is hampered by concentrating emphasis on old instances. As a consequence, the legislation does not change as quickly as it should in terms of contribution adequately in the years ahead. Limiting acts may help society recognise and evaluate the impacts of its laws more efficiently by encouraging quick execution of the substantive law.

[5] Minton v. Cavaney. 56

 [ISSN 2581-5369]

III. THE LIMITATION ACT OF 1963, POINTS OF INTEREST

The Limitation Act, 1963[6] governs the law of limitation of suits and other actions in India. Indian state recognises that a limitation on the ability of legal recourse for a specific period is a limitation of the legal proceedings; therefore, relevant indicators are specified for statutory exceptions.

Bracton originally used the phrase "Nullum tempus occurrit regi" in his De legibus et consuetudinibus Angliae in the 1250s. The actual meaning of this principle is that if the king may take extreme measures that are time-barred, that deadline would not prohibit the king's power to do so. But from the other hand, the Roman law maxim "vigilantibus et not dormientibus jura subveniunt" shows that the system will only help those who might be cautious, and who are not negligent or indolent about their constitutional protections.

(A) Historical background of the act

The Limitation Act of 1963 codified the law of limitation as it progressed through time. Before 1859, no limitation law extended to all of India. It was not until 1859 that a restriction law (Act XIV of 1859) was created that was available to all courts. The Limitation Act was overturned in the periods 1871, 1877, and 1908. The Third Law Commission revoked the Limitation Act of 1908, and the Limitation Act of 1963 began operation. The 1908 Act only applied to foreign transactions, while the 1963 Act applied to contracts entered under Jammu and Kashmir's authority or in a different nation.

(B) Objective

The law of limitation sets up a timeframe restriction for enforcing a right in a court. The Act's schedule specifies the time limits for varying sorts of lawsuits. The fundamental goal of this Act is to minimize long-running lawsuits and to ensure that cases are resolved quickly, coupled with effective court proceedings. The Limitation Act will now apply to all of India, following the Jammu and Kashmir Reorganisation Act of 2019. The Limitation Act of 1963 holds laws governing the estimation of duration for the prescribed time limit, as well as the forgiveness of delays. The Limitation Act is subdivided into 10 parts and has 32 sections and 137 articles.

IV. CASE LAWS ELUCIDATING THE RETROSPECTIVE OPERATION

The Supreme Court clarified in the case of **BK Education Services Private Limited v. Parag Gupta**[7] that because the law of limitation is consistent with the constitution, this will be

[6] Limitation Act, 1963 (Act no. 36 of 1963)
[7] BK Education Services Private Limited v. Parag Gupta CIVIL APPEAL NO.23988 OF 2017

 [ISSN 2581-5369]

practised retrospectively.

In the case of **Thirumalai Chemicals Ltd v. Union of India**[8], the Supreme Court held that statutes of limitation are retroactive in the sense that it extends to any judicial process filed after they apply for executing legal claims that had accrued previously.

V. REMEDY AGAINST THE LIMITATION MECHANISM

Section 3 of the Act states that if a lawsuit, appeal, or application is submitted beyond the statutory deadline, the court will dismiss the lawsuit, appeal, or application as time-barred. The statute of limitations only prevents the use of a benefit that has been awarded, not the right itself. To put it another way, the statute of limitations establishes the time limit within which legal proceedings must be brought. There are no time constraints on establishing a defence to such acts as a result of this. The underlying right to sue is so unaltered. However, Section 27 of the Act provides an exception to this requirement.

In the case of **Punjab National Bank and Others v. Surendra Prasad Sinha**[9], the Court decided that the rules of limitation are not intended to extinguish the parties' interests. Section 3 of the Limitation Act 1963, merely prohibits the resolution, not the right to which the remedy connects.

In **Bombay Dyeing and Manufacturing v. the State of Bombay**[10], the court decided that the statute of limitations merely prevents the remedy, not the debt.

- *DEFENSE MECHANISM CAN NOT BE BARRED:*

The defendant is not bound by the statute of limitations if he advances a reasonable justification in his defense, even though they claim is time-barred. It was held that the bar of limitation does not prevent the defence in the case of **Rullia Ram Hakim Rai v. Fateh Singh**[11]. It merely forbids action, except the exception of its recovery, which is time-limited. No legal provision prohibits or restricts a debtor from repaying past-due debts.

VI. OTHER CASE LAWS DEALING WITH THE LIMITATION ACT

In the case of **Craft Centre v. Koncherry Coir Factories**[12], it was found that it is the plaintiff's responsibility to persuade the court that his complaint is timely. If the plaintiff depends on any references to save the restrictions, he must allege them or prove them if the motion is denied.

[8] Thirumalai Chemicals Ltd v. Union of India 2011 (3) AIR(BomR) 814
[9] Punjab National Bank and Others v. Surendra Prasad Sinha 1992 AIR 1815, 1992 SCR (2) 528
[10] Bombay Dyeing and Manufacturing v. the State of Bombay AIR 1958 SC. 328
[11] Rullia Ram Hakim Rai v. Fateh Singh AIR 1962 Pb. 256
[12] Craft Centre v. Koncherry Coir Factories AIR 1991 Ker 83

 [ISSN 2581-5369]

The Court went on to say that Section 3 is definitive and compulsory and that if a claim is barred by the statute of limitations, the court is obligated to dismiss it, even though the issue of limitation has not been presented.

It was held in the case of **Mukund Ltd v. Mumbai International Airport**,[13] that when a suit is prohibited by limitation, the Court is prevented from advancing on the grounds of the claims and in fact, required to dismiss the complaint.

The court held in the case of State of **Kerala v. K. T. Shaduli Yussuff**[14] that if there are adequate grounds for a delay to be excused is a factual question that depends on the facts of each case.

In the case of **Sukhdev Raj v. State of Punjab**[15], the court found that if an action is filed despite void orders, the period of limitation outlined in the Limitation Act's schedule prevails.

The Supreme Court held in the case of **Devi Swarup v. Smt Veena Nirwani** [16]that it is a well-established concept that even invalid orders should be contested before being considered void. Even if an order is ruled void, it has legal force till it is deemed non-est.

VII. THE ROAD AHEAD

The preceding review of policies that favour and oppose action limitation reveals the core difficulty of every limitation mechanism. To put this into perspective, how would society's desire for an organised system of justice that quickly addresses grievances be weighed against its desires for recompense, vengeance, and retributive justice? Neither parliament nor the courts have presented a comprehensive solution to this matter.

Limitation of action is a divisive topic in the justice system. "The principle driving the statute of limitations is substantially as valuable a concern as the principle of hearing cases on their merits," courts have said. Courts, on the other hand, have said that the statute of limitations is a "stigmatised" defence that would yield to the principle of a merits trial.

The parliament seems to be split on the issue of activity limitations. What further justification might there be for lawmakers' indulgence of widespread judicial twisting and reshaping of ostensibly rigid and rigid parliamentary limiting rules? This leeway, which is especially visible in areas like accrual and tolling, reveals a legislative propensity for delegating the onerous challenges of imposing limitations of acts in specific instances to another arm of government.

[13] Mukund Ltd v. Mumbai International Airport 2011 (2) Mh.L.J. 936
[14] Kerala v. K. T. Shaduli Yussuff AIR 1977 SC 1627
[15] Sukhdev Raj v. State of Punjab 1995 3 CriLR(All) 630
[16] Devi Swarup v. Smt Veena Nirwani (2006) 144 PLR 454

 [ISSN 2581-5369]

After singing the praises of statutes of limitations for a long time, jurist makes the following cautious statement concerning them: "Laws of limitation should be encouraged; however, because they are acts that take away existing rights, they should always be construed with reasonable strictness, and in favour of the rights sought to be defeated by them, so far as is aligned with compliance with the provisions."[17]

This duality might be attributed to several factors. Firstly, the various norms that are used to limit actions often point in distinct ways. Fostering tranquillity may cause the dismissal of a claim while preventing evidence worsening may not. Furthermore, as we have seen, just a seemingly simple guideline like avoiding evidence worsening might turn out to be rather sophisticated when tailored to specific circumstances when examined closely.

Secondly, each sort of substantive law claim originates in a particular situation and has its own set of features. As a result, a particular policy, such as fostering tranquillity or minimizing evidence weakening, may score more strongly on one sort of reasoning than on others. "The statute of limitations however is not a solitary form of policy addressing with a small weapon,[18]" as one critic characterized it.

The "one size fits all" theory to statutes of limitations works well in a few aspects of the law, but this is not necessarily the case.

Thirdly, "by definition, statutes of limitation are absolute." Injustice makes one feel apprehensive. The computational, on-or-off aspect of action limitation conflicts dramatically with the analogue, democratic nature of the harms it aims to avert, among other reasons. Evidence does not decrease over time, and humanity's desire in fostering relaxation is only slightly higher on day two than on day one. The logic behind the restriction system is that rather than directly measuring the social realities, we might be using an implicit (and quite crude) bright-line estimate of the phenomena—the flow of time as a surrogate or general rule. This is a reasonable approach in certain cases, but the magnitude of the repercussions of the ostensibly discretionary regulation makes its disparity even more disturbing.

Moreover, the advantages of a limiting system, like other fairly long perks, are ephemeral and impossible to measure. The rapid and troubling effects of withholding restitution to an injured plaintiff, on the other hand, are rapid and upsetting. As a result, it is not unexpected that people tend to overlook the pretty long perks in favour of addressing the negative short-term implications. In this regard, the barter between orderly method and acceptable outcomes in

[17] WOOD, supra note 17, at 10
[18] Callahan, supra note 4, at 132

 [ISSN 2581-5369]

particular situations is posed by limitations of acts, which is one of the main difficulties underpinning our entire legal system. Some believe that courts should withstand the propensity to concentrate on organisational results.

VIII. SUGGESTIONS AND CONCLUSION

Is it worthwhile to have a limitation mechanism? On balance, we believe it is; and the continued prevalence of restriction statutes in "All awakened legal landscapes imply a commonly held opinion that action limitation continues to make a significant difference in general societal harmonious governing. It is reasonable to set a time limit.

However, to cater for the needs of a limitation mechanism, we should be willing to acknowledge that certain legitimate demands will be denied and that certain cases, whether authorized or unauthorized, would be denied the purging of a grounds trial. According to one court:

The enforcement of the statute of limitations, along with the unavoidable passing of one year, culminates in a summary judgement, effectively barring the assertion of a potentially valid claim. This repercussion, like the one that commonly follows the enforcement of any rule with a set length, is the cost of smooth and fast court proceedings.[19]

One must evaluate if we want a limitation mechanism at all if we are hesitant to acknowledge that expense. If sanctioning disputes on their facts or defending legal claims is our primary priority, then our limitation mechanism may need to be radically altered and perhaps abandoned. If such goals are permitted to take precedence over all other factors, the law of limitations of acts will become incoherent and incompetent in achieving the goals that explain its presence. By prioritising such principles over the norms that underpin action limitation throughout the field, the limitation mechanism loses its utility.

If, on the contrary, they want to keep the present framework of activity limitation, although it is updated, it must be based on principles rather than ad hoc decisions. The volume of regulations should be minimised, basic limitations factors should be defined as accurately, and the regulations should be consistently enforced. The pertinent limitations rule should not be overlooked simply because limitations are a "stigmatised" argument. Meanwhile, we might as well confess that a more personalised approach, such as specific performance, would best fit everyone.

Under either situation, it is evident that the statute of limitations has to be revisited by legislators. The prevailing tangled mess of intertwining categorisations and myriad exclusions creates the

[19] Sanchez v. South Hoover Hosp., 18 Cal. 3d 93

 [ISSN 2581-5369]

impression of rest, but it may probably cost the nation further in terms of duration, money, and adjudicatory assets, to just not acknowledge angst and the presence of discriminatory practices, then the positive externalities it administers to deliver. Whilst humans feel the limitations mechanism goals are worthwhile, also consider that the gains it attempts to encourage can only be realised with a framework of laws that functions with more predictability and operational flexibility than our current system.

Attempting to extract a single aim from among those listed that may be given a higher general priority than the rest is probably useless[20]. Statutes of limitations encourage a range of contradictory and conflicting policies. This could be due to the various legal systems in which they function, or it could be because, as architects, our system of justice has emerged into an intricate dramatic irony of seemingly conflicting theories[21], with the limitation mechanism simply reflecting and contributing to that pluralism.

At last, it can be concluded that by detailing the various reasons addressed by action limitations, lawmakers, courts, and scholars will be encouraged to reassess how well those goals are being met and to establish an equilibrium between contending principles that will adequately meet our system of justice. Not only for victims and wrongdoers but society as a whole, how that mix is maintained will have substantial efficiency repercussions.[22]

*****

[20] Callahan. supra note 4. at 137
[21] FLETCHER, supra note 82. at 188-89
[22] JAMES ET AL. supra note 61. 6.6. at 310

 [ISSN 2581-5369]

IX. REFERENCES

- Oliver W. Holmes, Jr., The Path of the Law, 10 HARV. L. REv. 457, 476 (1897)
- RUDOLF SOHM, THE INSTITUTES HISTORY AND SYSTEM OF ROMAN PRIVATE LAW 283 (1978) ("Statutes of limitation relating to real property may be traced to ancient Greece or beyond."); WILLIAMD. FERGUSON, THE STA1UfE OF LIMITATIONS SAVINGS STATUTES 7 (1978) ("Statutes of limitation relating to real property may be traced to ancient Greece or beyond (Ledlie trans., 3d ed. 1970)
- Louis Kaplow and Steven Shavell, Accuracy in Liability Determination, 37 J. L. and EcON. I, 1 (1994).
- GEORGE P. FLETCHER, BASIC CONCEPTS OF LEGAL THOUGHT 79·80 (1996)
- Addison v. State. 21 C
- Minton v. Cavaney. 56
- Limitation Act, 1963 (Act no. 36 of 1963)
- BK Education Services Private Limited v. Parag Gupta CIVIL APPEAL NO.23988 OF 2017
- Thirumalai Chemicals Ltd v. Union of India 2011 (3) AIR(BomR) 814
- Punjab National Bank and Others v. Surendra Prasad Sinha 1992 AIR 1815, 1992 SCR (2) 528
- Bombay Dyeing and Manufacturing v. the State of Bombay AIR 1958 SC. 328
- Rullia Ram Hakim Rai v. Fateh Singh AIR 1962 Pb. 256
- Craft Centre v. Koncherry Coir Factories AIR 1991 Ker 83
- Mukund Ltd v. Mumbai International Airport 2011 (2) Mh.L.J. 936
- Kerala v. K. T. Shaduli Yussuff AIR 1977 SC 1627
- Sukhdev Raj v. State of Punjab 1995 3 CriLR(All) 630
- Devi Swarup v. Smt Veena Nirwani (2006) 144 PLR 454
- WOOD, supra note 17, at 10
- Callahan, supra note 4, at 132
- Sanchez v. South Hoover Hosp., 18 Cal. 3d 93

 [ISSN 2581-5369]

- Callahan. supra note 4. at 137
- FLETCHER, supra note 82. at 188-89

*****

 [ISSN 2581-5369]