BLOGS

Practice Questions on Limitation Act for CLAT 2026- Part II

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1. If the last day of the limitation period expires on a day when the court is closed (such as a public holiday or Sunday), what does Section 4 of the Limitation Act, 1963 provide?

A. The limitation period ends and the suit or appeal is time-barred.
B. The limitation period is extended to the next working day (when the court reopens)
C. The limitation period is extended by a fixed 30-day grace period.
D. The suit or appeal must still be filed on the holiday (court closure is ignored).

Answer: B.

Explanation: Section 4 expressly states that if the prescribed limitation period expires on a day when the court is closed, the action "may be instituted, preferred, or made on the day when the court reopens." In other words, the deadline is extended to the next working day. This ensures that parties are not prejudiced if the last day falls on a holiday.

2. Section 5 of the Limitation Act, 1963 allows courts to condone delay in filing certain legal proceedings. In which of the following situations can Section 5 be invoked?

A. Condoning delay in filing a fresh suit after the limitation period has expired.
B. Condoning delay in filing an appeal after the limitation period has expired
C. Condoning delay in filing an application under any provision of Order XXI of the CPC (e.g., execution proceedings).
D. Condoning delay in filing any civil revision petition.

Answer: B.

Explanation: Section 5 applies only to appeals and applications, not to fresh suits. It specifically states that any appeal or application (other than under Order XXI of the CPC) can be admitted after the prescribed period if "sufficient cause" is shown.

3. According to the explanation clause of Section 5, being misled by a court order or judgment may constitute a "sufficient cause" for delay. Which statement accurately reflects this?

A. Being misled by any court order is explicitly not considered sufficient cause.
B. If a party is misled by a High Court's order or practice in computing the period, it may be treated as sufficient cause under Section 5
C. Section 5's explanation only mentions Supreme Court orders as sufficient cause.
D. Being misled by a court order is irrelevant; only personal illness can be sufficient cause.

Answer: B.

Explanation: The Explanation to Section 5 states that if an appellant or applicant was "misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period," that fact may be deemed a "sufficient cause" for condonation

4. Under Section 6 of the Limitation Act, if a person entitled to institute a suit or application is a minor or of unsound mind at the time the cause of action accrues, how is the limitation period computed?

A. The limitation period begins only when the person reaches majority or regains sanity, and runs for the same length as originally prescribed.
B. The limitation period starts from the date the cause of action arose, regardless of disability.
C. The person has an unlimited time because of disability.
D. The limitation period is half of the original period after disability ends.

Answer: A.

Explanation: Section 6 extends the limitation period for those under "legal disability" (minority, insanity, etc.) at the time the period is to be reckoned. It provides that such a person "may institute the suit" within the same period after the disability has ceased, as would otherwise have been allowed.

5. If an individual is affected by two disabilities (for example, is a minor and also of unsound mind) at the accrual of the cause of action, when would the limitation period begin according to Section 6?

A. When the first disability ends.
B. When both disabilities have ceased.

C. Immediately, because one disability is enough to start the clock.

D. One disability must be resolved within one year, or the claim is barred.

Answer: B.

Explanation: Section 6(2) deals with multiple disabilities. It states that if a person is at the accrual of the period under any such disabilities, or acquires another disability before the first ceases, they "may institute the suit or make the application within the same period after both disabilities have ceased".

6. Under Section 6, what happens if a person is under disability (minority or insanity) until death and never regains capacity? Who can sue and by when?

A. No one can sue because the right never accrued.

B. The deceased person's legal representative may sue within the same original limitation period, counted from the date of death.

C. The suit must be filed within one year of death.

D. The suit can be filed at any time after death.

Answer: B.

Explanation: Section 6(3) covers this situation. If the disability continues up to the person's death, then "his legal representative may institute the suit or make the application within the same period after the death" that would have been allowed otherwise. That means the limitation period does not start until the person dies, and from the date of death the representative has the full original period to sue.

7. Several persons are jointly entitled to sue (for example, co-owners of property). According to Section 7, if one of them is under disability, when will the limitation period begin to run against all of them?

A. It begins to run immediately against all, regardless of the disabled person.

B. It will run against all of them only after the disabled person's disability has ceased (assuming a discharge cannot be obtained without that person).

C. It will run against the disabled person later than others automatically.

D. Joint claimants cannot sue at all if one is disabled.

Answer: B.

Explanation: Section 7 deals with multiple joint claimants. It says if one of them is under disability and **no discharge of liability can be given without that person's concurrence**, then "time will not run as against any of them until [the disabled person] becomes capable of giving such discharge or until the disability has ceased.

8. A plaintiff filed a suit in a lower court (which lacked jurisdiction) in good faith, and later refiled the suit in the correct court. Under Section 14, how is the time spent in the first (wrong) suit treated in computing the limitation period for the new suit?

A. The time spent in the jurisdictionally wrong suit is included (counted against limitation).
B. The time is excluded from limitation calculation, because the first suit was prosecuted with due diligence in good faith.
C. The time is doubled (penalty for filing in wrong court).
D. The plaintiff is barred from refiling because he should have known the forum was wrong.

Answer: B.

Explanation: Section 14 provides that where a plaintiff has been prosecuting, "with due diligence," a civil proceeding in good faith in a court that lacks jurisdiction, the time spent in that proceeding is excluded from computing the limitation for the subsequent suit.

9. Under Section 15(5) of the Limitation Act, 1963, what effect does the defendant's absence from India have on the limitation period for a suit?

A. The absence has no effect; limitation runs continuously.
B. The period of absence from India is excluded from the limitation calculation
C. The plaintiff must sue before the defendant leaves India, or the suit is barred.
D. Absence extends the limitation by 6 months automatically.

Answer: B.

Explanation: Section 15(5) explicitly excludes from the computation "the time during which the defendant has been absent from India and from the territories outside India under the administration of the Central Government".

10. A decree has been passed against a defendant, but an injunction or stay order prevented execution of the decree for a period of time. Under Section 15(1), how is the period of limitation for executing the decree computed?

A. The time of the injunction or stay (from issuance to withdrawal) is excluded

B. The entire limitation period starts anew after the injunction is lifted.

C. The injunction period is included in limitation with no exclusion.

D. The decree-holder automatically gets an extra year for each year of injunction.

Answer: A.

Explanation: Section 15(1) provides that if a decree or suit execution is stayed by injunction or order, “the time of the continuance of the injunction or order, the day on which it was issued, and the day on which it was withdrawn” shall be excluded in computing the limitation