BLOGS

Practice Questions on Limitation Act for CLAT PG 2026

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1. In a suit for malicious prosecution, when does the limitation period commence if:

(i) The High Court acquits after appeal
(ii) The trial court acquits but no appeal is filed
(iii) The prosecution withdraws the case

Choose the correct combination:

a) From final acquittal in all cases

b) From trial court order in (ii) and (iii), High Court order in (i)

c) From date of filing charge sheet in all cases

d) From date of arrest in all cases

Correct Answer: b) From trial court order in (ii) and (iii), High Court order in (i)

Explanation: The cause of action arises when prosecution terminates in favor of plaintiff. In case of appeal, the termination is not final until appellate court's decision. However, where no appeal is filed or prosecution withdraws, the trial court's order marks the termination.

2. A continuous guarantee is given for a credit facility. The creditor discovers fraud by the guarantor after 5 years. Which statement is correct?

a) Limitation starts from each default separately

b) Limitation starts from discovery of fraud for entire guarantee

c) Limitation starts from first default only

d) No limitation applies as it's a continuing guarantee

Correct Answer: a) Limitation starts from each default separately

Explanation: In continuous guarantees, each default creates a fresh cause of action. The discovery of fraud only extends limitation for transactions within 3 years before discovery, not for earlier defaults, as per Section 18 read with Section 23.

3. Under Section 19, if there's:
(i) Unconditional acknowledgment of debt
(ii) Promise to pay when able
(iii) Acknowledgment with new conditions

Which constitutes valid acknowledgment?

a) Only (i)

b) Both (i) and (ii)

c) All three

d) None of these

Correct Answer: a) Only (i)

Explanation: Only an unconditional acknowledgment of liability restarts limitation. A conditional promise or acknowledgment with new terms creates a new contract rather than extending limitation on the original debt.

4. In computing limitation for recovery of immovable property, adverse possession is claimed. The property was:

-Leased in 2010
-Lease expired 2015
-Lessee refused to vacate
-Owner demanded possession in 2018
-Suit filed in 2023 When does limitation commence?

a) 2010

b) 2015

c) 2018

d) Not yet commenced

Correct Answer: b) 2015

Explanation: Limitation starts when possession becomes adverse. A lessee's possession becomes adverse only upon explicit denial of title after lease expiry. The mere continuance after lease expiry or owner's demand doesn't affect commencement point.

5. A dies leaving property to B. C takes possession claiming through an invalid will. B is minor. Which statement is correct regarding limitation?

a) Starts running immediately despite minority

b) Starts after B attains majority

c) Starts after B attains majority plus 3 years

d) No limitation applies as possession is based on void document

Correct Answer: b) Starts after B attains majority

Explanation: Section 6 provides disability exception for minors. While adverse possession can run against a minor, limitation period doesn't commence until disability ceases. However, if property was in possession of minor's guardian, different rules apply.

6. In a condonation of delay application, which factor is legally irrelevant?

a) Death of counsel handling the case

b) Pending settlement negotiations

c) Change of legal opinion on merits

d) Natural calamity affecting court functioning

Correct Answer: c) Change of legal opinion on merits

Explanation: "Sufficient cause" under Section 5 must relate to inability to file in time, not merits. A change in legal opinion or better understanding of rights doesn't constitute sufficient cause, unlike external impediments beyond party's control.

7. A suit filed within limitation is dismissed for:
(i) Non-payment of court fees
(ii) Non-appearance
(iii) Withdrawal with permission When filing fresh suit, Section 14 exclusion applies to:

a) Only (i)

b) (i) and (ii)

c) (i) and (iii)

d) All three

Correct Answer: c) (i) and (iii)

Explanation: Section 14 excludes time in prior proceeding where matter couldn't be decided on merits due to defect in jurisdiction or similar cause. Non-appearance is plaintiff's fault, hence not covered, unlike court fee deficiency or permitted withdrawal.

8. In a continuing tort with changing damage quantum:

a) Single limitation from first damage

b) Fresh limitation from each damage

c) No limitation as tort continues

d) Limitation from last damage only

Correct Answer: b) Fresh limitation from each damage

Explanation: Where tort is continuing, each instance of damage creates fresh cause of action. However, recovery is limited to damages within limitation period before suit. Different from continuing guarantee where relationship is contractual.

9. For execution of foreign judgment from:
(i) Reciprocating territory
(ii) Non-reciprocating territory
(iii) Arbitration award Limitation runs from:

a) Same date for all

b) Different dates for each

c) No limitation for (i)

d) Date of filing execution petition

Correct Answer: b) Different dates for each

Explanation: Different Articles apply: reciprocating territory judgments under Article 136 (6 years), non-reciprocating territory requires fresh suit (3 years), arbitration awards under Article 137 (3 years). Each has distinct commencement point.

10. Which principle is incorrect regarding acknowledgment?

a) Must be before expiry of limitation

b) Must be in writing and signed

c) Can be made by authorized agent

d) Must be made to creditor directly

Correct Answer: d) Must be made to creditor directly

Explanation: Section 18 requires acknowledgment to be in writing and signed before limitation expires, but need not be made to creditor directly. Acknowledgment in balance sheet or to third party suffices if unambiguous and unconditional.

To practice more such questions on the Limitation Act, click here!