



B.B. MITRA ON THE LIMITATION ACT 1963 (19th ed. 1994). By M.R. Mallick. Eastern Law House, Calcutta. Pp-136 + 1287. Price Rs. 525.

THE LIMITATION Act is an important statute from the viewpoint of judges as well as practising lawyers. It deals with the law of limitation and prescription. It is an amending and consolidating Act. Hence it provides for all the contingencies it deals with. But the voluminous cases on various aspects of the law of limitation have made this law quite complex. As is known, the Limitation Act bars only the remedy but not the right. For example, in case of time-barred debt only the recovery is extinguished not the debt itself. The right of the creditor continues to exist. But in what ways such rights can be enforceable is not always easy to comprehend.

The book under review¹ is now in its 19th edition, which is a substantially revised version of the previous one. The earlier 18 editions of this book have been widely admired by the Bench and Bar as reputed work on the subject. The book has been commended by academics² as well. It already enjoyed the distinction of being a leading commentary on the subject. Not only has it been appreciated as a lawyer's book, but also students and teachers of law have treated it as equally important and useful. With the lapse of 14 years since publication of the 18th edition, the publishers felt that it was time to update the text to keep up the utility of this book as one of the best on the subject. The new edition has been revised and edited by Justice M.R. Mallick, former judge of the Calcutta High Court. The contents of the book have been enriched by incorporating new judgments of the Supreme Court and High Courts, which are undoubtedly up-to-date. State amendments too have been included and explained wherever appropriate.

The comprehensive commentary contained in this volume mainly consists of two major sections. Section one deals with 32 sections of the Act, while section two relates to the 137 articles of the Schedule appended to the Act. Section one is divided into five parts, namely, (i) preliminary; (ii) limitation of suits, appeals and applications; (iii) commutation of period of limitation; (iv) acquisition of ownership by possession; and (v) miscellaneous. These headings are so provided in the Act itself. The articles in the Schedule too have been divided into three broad classifications, viz., (i) suits; (ii) appeal; and (iii) applications. These classifications have been further sub-divided into parts as per the scheme of the Schedule.

While discussing the sections and articles the book articulately brings out the history of the law of limitation in India and UK. The Limitation Act 1963 replaced

1. M.R. Mallick, *B.B. Mitra on the Limitation Act 1963* (19th ed. 1994).

2. P.G. Krishnan, "Review of B.B. Mitra on the Limitation Act, 1963 (Revised by A.C. Sen. 18th ed. 1980)", 8 - 9 *Delhi L. Rev.* 180 (1979-1980).



the earlier Limitation Act of 1908. The book discusses the distinction between limitation and prescription, and also applicability of the 1963 Act on special statutes. Also meticulously comprehended are the residuary articles 113 and 137 of the Schedule, including the extent of their applicability in relation to their counterpart articles 120 and 181 of the earlier Act of 1908. Also eminently visible is the detailed³ discussion on article 136 of the Schedule which relates to execution.

The book adequately explains the principle underlying each section and article of the Act, as has been visible in earlier editions as well. The revised portions certainly reflect the editor's deep knowledge of the subject and his excellent presentation skills throughout the book. But perhaps the most remarkable merit of this edition is its lucidity and remarkable coherence. The reader notices added clarity of concepts and issues with an equally critical analysis as was discernible in earlier editions. And the discussion is comprehensive as well. Undoubtedly, the book will continue to be treated as a reliable and useful reference on the growing subject of the limitation law.

The quality of printing is very good and so is the quality of editing and proof-reading. Uniformity in citation throughout the book speaks of professionalism in its production. A very comprehensive table of cases runs into 136 printed pages. The contents index at the end running into 60 pages too is very detailed and useful, which further adds to the utility of this excellent commentary on the Limitation Act 1963. The book will be of immense use for judges and lawyers as well as students of the law of limitation.

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3. *Supra* note 1 at 1141-93.

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