



SENATE SECRETARIAT

Report No. 12

**REPORT OF THE
SENATE STANDING COMMITTEE ON LAW AND JUSTICE**



**“THE LIMITATION RELATING TO CIVIL REVISIONS
BILL, 2018”**

PRESENTED BY

**Senator Muhammad Javed Abbasi
Chairman
Standing Committee on Law and Justice**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE LIMITATION RELATING TO CIVIL REVISIONS BILL, 2018"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Limitation Relating to Civil Revisions Bill, 2018", introduced by Minister for Law and Justice in the Senate sitting held on 12th April, 2018. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Farooq Hamid Naek	Member
4.	Senator Mir Hasil Khan Bizenjo	Member
5.	Senator Siraj ul Haq	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Ayesha Raza Farooq	Member
8.	Senator Muhammad Ali Khan Saif	Member
9.	Senator Musadik Masood Malik	Member
10.	Senator Mustafa Nawaz Khokar	Member
11.	Senator Sana Jamali	Member
12.	Senator Walid Iqbal	Member
13.	Senator Sitara Ayaz	Member
14.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 26th April, 2018, 5th September, 2018, 24th October, 2018, 14th January, 2019, 12th February, 2019, 5th March, 2019, 17th July, 2019 and 19th September, 2019, under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 19th September, 2019, which was attended by the following members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Farooq Hamid Naek
- iii. Senator Ayesha Raza Farooq
- iv. Senator Muhammad Ali Khan Saif
- v. Senator Mustafa Nawaz Khokar
- vi. Senator Sana Jamali
- vii. Senator Sitara Ayaz

4. As per the statement of objects and Reasons the Bill has been drafted to implement the recommendations of the Law & Justice Commission and Honorable Supreme Court of Pakistan, with regard to amendments in Code of Civil Procedure Act, 1908 and the Limitation Act, 1908 are required.

5. Minister for Law and Justice informed the Committee that the Government is working on civil reforms and a comprehensive Bill is being introduced, therefore, the Government has already given a notice for withdrawal of "The Limitation Relating to Civil Revisions Bill, 2018".

6. In view of the position explained above, the Committee recommends that the House may grant leave to Minister for Law and Justice to withdraw "The Limitation Relating to Civil Revisions Bill, 2018", in terms of rule 115 of the Rules of Procedure and Conduct of Business in the Senate, 2012. (Copy of Bill is annexed).


 (RABEEA ANWAR)
 J.S / Secretary Committee


 (SENATOR MUHAMMAD JAVED ABBASI)
 Chairman
 Standing Committee on Law & Justice

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~~TO BE~~ INTRODUCED IN THE SENATE]

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Bill

further to amend the Code of Civil Procedure, 1908 and the Limitation Act, 1908

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 (V of 1908) and the Limitation Act, 1908 (IX of 1908) to the extent of Islamabad Capital Territory for the purpose hereinafter appearing:

It is hereby enacted as follows:

1. **Short title, extent and commencement.**— (1) This Act may be called the Limitation Relating to Civil Revisions Act, 2018.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Amendment of section 115 in Act V of 1908.**— In the Code of Civil Procedure, 1908 (V of 1908), in section 115, in subsection (1), after clause (c), for second proviso, the following shall be substituted:

“Provided further that the High Court shall dispose of such application within ninety days.”

3. **Amendment in the First Schedule of Act IX of 1908.**— In the Limitation Act, 1908 (IX of 1908), in the First Schedule:

(a) after Article 162, the following Article 162A shall be inserted:

“162A.—For the revision of decision under section 115 of the Code of Civil Procedure, 1908 (V of 1908).	Ninety days	The date of decision sought to be revised.”
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(b) for Article 163, the following shall be inserted:

“163.—To restore a suit or appeal or application for review or revision or any other application dismissed for default of appearance or for want of prosecution or for failure to pay costs of service of process or to furnish security for costs.	Thirty days	The date of dismissal.”
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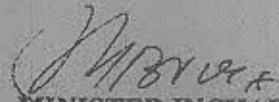
STATEMENT OF OBJECTS AND REASONS

Law and Justice Commission of Pakistan in its Report No. 82 has proposed amendments in the Code of Civil Procedure Act, 1908 and the Limitation Act, 1908 with respect to limitation in civil revisions under section 115 of the Code of Civil Procedure Act, 1908.

2. Limitation period for certain actions in court cases is usually dealt with under the Limitation Act, 1908 but in case of civil revisions it is provided in section 115 of the Code of Civil Procedure, 1908. Law and Justice Commission has proposed omission of this limitation period from the Code of Civil Procedure, 1908 and its incorporation in the First Schedule of the Limitation Act, 1908.

3. Honourable Supreme Court of Pakistan in the case of *Mandi Hassan v. Muhammad Arif* (PLD 2015 SC 137) noted with concern that since no time period is provided for restoration application for revision petition dismissed in default, the residuary provision of Article 181 of the First Schedule of the Limitation Act, 1908 is applicable in such cases which provides long period of three years for filing application for restoration of a civil revision dismissed in default. Honourable Supreme Court of Pakistan proposed the period of thirty days for such application with limitation period provided for restoration of appeals etc. on the analogy of Article 122 of the Indian Limitation Act, 1963.

4. In order to implement the recommendations of the Law & Justice Commission and Honourable Supreme Court of Pakistan, amendments in Code of Civil Procedure Act, 1908 and the Limitation Act, 1908 are required. Hence this Bill.


MINISTER IN CHARGE
29/3/18