

AS
[TO BE INTRODUCED IN THE SENATE]

A

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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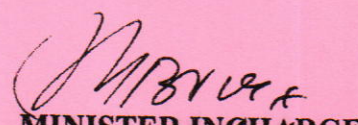
STATEMENT OF OBJECTS AND REASONS

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