

CONFIDENTIAL

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PROVINCIAL ASSEMBLY OF THE PUNJAB REPORT OF THE STANDING COMMITTEE ON LAW REGARDING THE LIMITATION (PUNJAB AMENDMENT) BILL 2018 (BILL NO.8 OF 2018)

The Limitation (Punjab Amendment) Bill 2018 (Bill No.8 of 2018) was referred to the Standing Committee on Law on 31 January 2018. The Committee considered the Bill in its meeting held on 15 February 2018.

2. The following were present:—

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| 1. | Raja Abdul Hanif, MPA (PP-14) | Acting Chairman |
| 2. | Mr Munawar Ahmed Gill, MPA (PP-127) | Member |
| 3. | Mian Khurram Jahangir Wattoo, MPA (PP-193) | Member |

3. Dr Syed Abul Hassan Najmee, Secretary to Government of the Punjab, Law and Parliamentary Affairs Department represented the Law and Parliamentary Affairs Department. Mr Faiz-ul-Basit, Additional Secretary (Committees), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Since Malik Muhammad Waris Kallu, MPA (PP-42) Chairman, Standing Committee on Law, due to some other engagements, could not attend the meeting of the Committee, therefore, Raja Abdul Hanif, MPA (PP-14), in terms of rule 151(2) of the Rules of Procedure of the Provincial Assembly of the Punjab, 1997, was chosen to act as Chairman for the sitting dated 15 February 2018.

5. Dr Syed Abul Hassan Najmee, Secretary, Law and Parliamentary Affairs Department apprised the Committee about the aims and objects of the Bill. He stated that it would be expedient to amend the Limitation Act, 1908 (IX of 1908) to provide a limitation of ninety days for filing a revision petition under section 115 of the Code of Civil Procedure, 1908 (V of 1908). He added that section 115 of the Code of Civil Procedure was amended in 1992 to provide a limitation of ninety days for filing a revision petition and Article 162-A of the Limitation Act, 1908 was omitted. In the judgment of Hon'ble Supreme Court (2001

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SCMR 286), it had been held that in view of section 29(2) of the Limitation Act, 1908, the provisions of section 5 of the Limitation Act, 1908 for condonation of delay did not apply to the revision petition under section 115 of Code of Civil Procedure, 1908. Hon'ble Chief Justice of Lahore High Court suggested to Law and Justice Commission of Pakistan for amending the Limitation Act, 1908. The Commission had proposed to insert Article 162-A to extend the benefit of the said section 8. He requested the Committee that the Bill, as introduced, may be recommended to be passed by the Assembly.

6. The Committee after hearing the Members, having view points of the Administrative Department i.e. Law and Parliamentary Affairs Department and discussing various points, unanimously decided to recommend that the Bill, as introduced, may be passed by the Assembly.

7. A copy of the Bill as introduced in the Assembly and as recommended by the Committee is at Annexure.

Lahore
15 February 2018

(RAJA ABDUL HANIF)
Acting Chairman
Standing Committee on Law

Lahore
15 February 2018


(RAI MUMTAZ HUSSAIN BABAR)
Secretary

(BILL AS INTRODUCED IN THE ASSEMBLY AND AS
RECOMMENDED BY THE STANDING COMMITTEE ON LAW)

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 8 of 2018

THE LIMITATION (PUNJAB AMENDMENT) BILL 2018

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BILL

further to amend the Limitation Act, 1908

It is expedient further to amend the Limitation Act, 1908 (*IX of 1908*) to provide limitation of ninety days for filing a revision petition under section 115 of the Code of Civil Procedure, 1908 (*V of 1908*).

Be it enacted by Provincial Assembly of the Punjab as follows:

1. **Short title and commencement.**- (1) This Act may be cited as the Limitation (Punjab Amendment) Act 2018.

(2) It shall come into force at once.

2. **Amendment in First Schedule of Act IX of 1908.**- In the Limitation Act, 1908 (*IX of 1908*) for brevity referred to as the Act, in the First Schedule, in Part X, after Article 162, the following new Article 162-A shall be inserted:

"162-A. Revision under section 115 of the Code of Civil Procedure, 1908 (<i>V of 1908</i>)	Ninety days	From the date of the decision sought to be revised."
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STATEMENT OF OBJECTS AND REASONS

Section 115 of the Code of Civil Procedure was amended in 1992 to provide a limitation of ninety days for filing a revision petition and Article 162-A of the Limitation Act, 1908 was omitted. In the judgment of Hon'ble Supreme Court (2001 SCMR 286), it has been held that in view of section 29(2) of the Limitation Act, 1908, the provisions of section 5 of the Limitation Act, 1908 for condonation of delay do not apply to the revision petition under section 115 of Code of Civil Procedure, 1908. Hon'ble Chief Justice of Lahore High Court suggested to Law and Justice Commission of Pakistan for amending the Limitation Act, 1908. The Commission has proposed to insert Article 162-A to extend the benefit of the said section 8.

MINISTER INCHARGE

Lahore:
31 January 2018

RAI MUMTAZ HUSSAIN BABAR
Secretary