

## **BOOK REVIEW:**

### ***Law of Limitation and Prescription***

**By**

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First Edition 2010

Arpita Prakashani

Kolkata Pp. xxiv+240

ISBN-81-86966-51x

Price Rs. 110

THE BOOK, under review is based on the syllabi of various competitive examination like State Judicial Service examination, Indian Legal Services, competitive examination for all India Services conducted by the U.P.S.C. etc. as well as for Law students. For the above mentioned objective the authors have written a beautiful book on the Law of Limitation.

The book is broadly divided into five parts consisting of 240 pages. Part-I deals with the preliminary of the Limitation Act, 1963. Part -II deals with the limitation of suits, appeals and applications. The authors are right in observing that Section 3 of the Limitation Act bars only the remedy but do not extinguish the right to which the remedy relates. For example, a time barred debt does not extinguish the right of the creditor; it continues to notwithstanding subsist the remedy barred by limitation, the debt right can be exercised in any other manner than the means of a suit. It is an established law that the creditor would be entitled to adjust from the payment of a sum by a debt, towards the time barred debt<sup>1</sup>. A number of cases have been referred by the authors in this commentary.

Part 'III' of the book deals with competition of period of limitation, and the authors have explained in detail with their commentary along with the relevant cases. Part 'IV' of the book deals with acquisition of ownership by possession, the authors have been devoted a number of pages to make clear the legal position under the Act. Number of relevant cases have been referred.

Part 'V' of the book accounts for the deals with miscellaneous sections covered by Sec 28 to 32 of the Act and amendment of the certain Acts with detailed explanation of relevant cases. The authors have devoted 16 pages for brief discussion of these Articles.

The authors cited number of decided cases of the Supreme Court as well as that of High Court but some of the cases have been summarized in 3 to 4 lines without stating the main issue. In some cases it is not even clear as to what was the judgment let alone and what was the rule of law laid down by the judiciary.

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1 *Punjab National Bank and others vs. Surendra Prasad Singhs*, AIR 1982 SC 1815.

In this small book, around 78 pages have been devoted to giving multiple choice questions/objective type questions/answer from judicial service examination including practical problems. Around 146 questions have been collected from previous examination conducted by the different state Judicial Service examinations like West Bengal, Assam, Orissa, Tripura, Haryana, Delhi, Rajasthan, Uttar Pradesh, Punjab, Kerala, Andhra Pradesh, Tamil Nadu, practice papers and also provides previous question papers of West Bengal Judicial service main examination 2009-2010.

All in all, the book would be of utmost importance to the students of law, teachers and scholars as well as for the candidates who are appearing for various competitive examinations. The language of the book, practical tips and solutions of various problems set for judicial service examination is very understandable and makes a good reading. These aforementioned qualities overshadows the drawbacks of the work in all.

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