

LIMITATION PERIODS, TIME BAR

The (Indian) Limitation Act 1963 applies to all claims within the Admiralty jurisdiction of the High Courts. The Act provides a three-year limitation period but for the claims for wages and other sums due to the master, officers and other members of the vessel's complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf, the limitation period for filing of the admiralty suit shall be two years from the date on which the wage, sum, cost of repatriation or social insurance contribution, falls due or becomes payable.

In case of claims for loss or damage to cargo brought under bills of lading incorporating the Hague Rules, the one year period under rule 6 of Article III, providing for an extinguishment of the cause of action, itself may apply.

The limitation period under the Limitation Act 1963 is absolute and cannot be extended by agreement nor can the court enlarge the same. The Act does contain provisions for extension of time, exclusion of time for filing suit in certain cases, acknowledgement of liability and/or payment on account before expiry of the initial limitation period, so as to afford a fresh limitation period, and the Act may be referred to for ascertaining the operation of the said provisions.

There is no provision in the Act equivalent to section 8 of the repealed Maritime Conventions Act 1911, *supra*, and in view of the precise limitation periods specified in the Limitation Act, 1963, the doctrine of laches may not prevail.