

Balancing Justice and Timeliness: A Critical Analysis of the Limitation Act's Role in Matrimonial Litigation

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ARTICLE DETAILS

Research Paper

Accepted: 22-03-2025

Published: 15-04-2025

Keywords:

*Limitation Act, 1963,
Matrimonial Litigation,
Divorce, Restitution of
Conjugal Rights,
Judicial Separation,
Substantive Justice,
Procedural Law,
Domestic Violence,
Mental Cruelty*

ABSTRACT

"Balancing Justice and Timeliness: A Critical Analysis of the Limitation Act's Role in Matrimonial Litigation" examines the interplay between the Limitation Act, 1963, and matrimonial disputes in India, focusing on divorce, restitution of conjugal rights, and judicial separation. The study highlights the tension between the need for timely legal action and the sensitive, emotional nature of family disputes. While the Limitation Act aims to prevent long-dormant claims and ensure efficient resolution of disputes, its rigid application in matrimonial cases often conflicts with the realities of familial relationships, where delays may arise due to emotional, financial, or societal factors. It critiques the Act's limitations, particularly in cases involving domestic violence, mental cruelty, or financial dependency, where victims may delay seeking legal recourse. The study also examines judicial trends, noting that courts often adopt a lenient approach to condone delays in matrimonial cases, prioritizing substantive justice over procedural technicalities. Through an analysis of case law and legislative provisions, the paper argues for a balanced approach that respects the sanctity of marriage while safeguarding the



rights of vulnerable parties. It calls for clearer guidelines to prevent the misuse of legal processes and to ensure that the Limitation Act serves as a tool for justice rather than a barrier. Ultimately, the study underscores the need for a legal framework that harmonizes the principles of timeliness with the unique complexities of matrimonial disputes, fostering a fair and efficient judicial system.

DOI : <https://doi.org/10.5281/zenodo.15223016>

PRELUDE

In India, marriage has traditionally been regarded as a sacred, lifelong bond between two individuals. In Hindu culture, the wife was considered a *Dharam Patni*—an essential partner without whom the husband could not fulfill certain religious duties or perform sacred rituals (*yajnas*) (Kane, 1941). However, with the evolution of society, perspectives on marriage began to shift. Over time, it came to be viewed less as a spiritual union and more as a social or even commercial arrangement (Kapadia, 1966).

By the latter half of the 19th century, the concept of divorce also began to emerge. This development was formally recognized in the Hindu Marriage Act of 1955, which defined marriage as a contract between two individuals that could be dissolved either by mutual consent or at the request of one party under specific conditions (Hindu Marriage Act, 1955).

The **statute of limitations** refers to the legally defined period within which a case must be filed. The **Limitation Act of 1963** prescribes this timeframe, and any lawsuit filed beyond this period is considered to be **barred by limitation**. This rule applies not only to the petitioner and the respondent but also to any individual whose estate is involved in the application.

The **principle of "Vigilantibus Non Dormientibus Jura Subveniunt"**—which translates to "the law assists those who are vigilant, not those who sleep"—underpins the Limitation Law. This doctrine emphasizes that rights must be exercised within the prescribed time. Anyone seeking to challenge a legal assumption must do so within the stipulated timeframe, or risk losing that right due to negligence or inaction.

While the law favors the vigilant, it also recognizes that human error is inevitable. Therefore, an unintentional mistake by a litigant should not necessarily result in the permanent closure of the judicial system's doors. The courts strive to balance the enforcement of limitation rules with the principles of fairness and justice.



NATURE AND SCOPE

To ensure that aggrieved parties file their lawsuits and seek remedies or justice within a prescribed period, the Law of Limitation bars the initiation of legal proceedings after a certain timeframe. If a suit is filed beyond this period, the provisions of the Limitation Act will apply, potentially rendering the case inadmissible.

The primary objective of the law of limitation is to prevent prolonged uncertainty and protect individuals from being unjustly held accountable after an unreasonable delay. It is based on the principle that a right not exercised for a long time is effectively extinguished. This ensures that property rights and related legal claims are not left in a perpetual state of ambiguity.

The Law of Limitation is procedural in nature and considered part of Lex Fori—the law of the forum or jurisdiction in which the case is heard. It does not confer any rights or create a cause of action; it simply limits the time within which a legal remedy may be sought. As such, it is categorized as an adjective law. Being a consolidating and amending legislation, the Limitation Act serves as an exhaustive code governing the limitation of suits, appeals, and certain applications. According to Justice V.R. Krishna Iyer (1978), Indian courts are not empowered to supplement or alter its provisions. The law of limitation is known as Lex Fori because remedies under a contract must be pursued according to the laws of the jurisdiction where the action is filed—not the place where the contract was made.

Moreover, limitation statutes are also considered laws of repose, as they extinguish outdated claims and preserve societal peace by preventing the revival of long-dormant disputes. They foster finality in legal matters, particularly where evidence may have been lost due to the passage of time.

In *Rajender Singh v. Santa Singh* (1973), the Supreme Court described the statute of limitations as a law of "repose, peace, and justice." The aim is not to create new rights, but to bar enforcement of existing rights after a specified period, thereby upholding the principles of fairness, certainty, and judicial efficiency.

OBJECTIVE

The objective of the Act remains to compel litigants to pursue their remedies with diligence and promptness in the courts of law. The courts have articulated several explanations on why statutes of limitations exist, including:

1. **Avoiding Claims That Have Lain Dormant:** Long-dormant assertions often carry more brutality than justice, as they may resurrect disputes that have been settled or forgotten over time, causing unnecessary hardship to the parties involved (Justice V.R. Krishna Iyer, 1978).



2. **Preservation of Evidence:** Over time, evidence crucial to disputing a claim may be lost, destroyed, or become unreliable, making it difficult for defendants to defend themselves effectively (Law Commission of India, 2009).
3. **Encouraging Diligence:** Individuals with valid causes of action are expected to pursue them with reasonable diligence, ensuring that legal disputes are resolved in a timely manner.

Essential Principles of the Limitation Act

The Limitation Act is founded on two fundamental principles:

1. **Public Interest Demands an End to Litigation (Interest Reipublicae Ut Sit Finis Litium):**
This principle emphasizes that litigation must eventually conclude for the benefit of society. Prolonged legal battles, especially through a hierarchy of appeals, can lead to more harm than good, creating uncertainty and perpetuating disputes. Allowing endless litigation would be akin to opening a floodgate, resulting in more injustices than resolutions (Basu, 2008).
2. **The law supports the vigilant, not the lazy (Vigilantibus Non-Dormientibus Jura Subveniunt).**
This principle underscores that the law supports those who are vigilant and proactive in asserting their rights. Individuals who neglect or delay pursuing their claims within the prescribed time frame will not receive legal assistance. Once the statute of limitations has expired, the law will not remedy negligence or inaction (The Limitation Act, 1963).

These principles collectively aim to balance the interests of justice with the need for efficiency and finality in legal proceedings. By encouraging timely action and discouraging prolonged disputes, the Limitation Act ensures that the legal system remains fair, accessible, and effective for all parties involved.

THE LIMITATION ACT LEGISLATION

Any lawsuit, appeal, or application must be submitted within the allotted period, according to Section 3 of the Limitation Act. The defense of limitation even if not raised by the parties, should be considered by the Court. It is a question of fact to which a Court can take suo moto action (The Limitation Act, 1963). A court's decision to grant a suit that was filed after the allotted time is not invalidated for lack of jurisdiction. A judgment rendered in a case that has passed its statute of limitations is not void.



Under Section 5 of the Limitation *Act*, *the deadline* may be extended *in* certain situations *if there is a valid justification for the delay*.

If the applicant or appellant can persuade the court that he had a valid reason for not submitting the application or appeal by the deadline, the court may admit it after the deadline, provided that it is not in violation of Order XXI of the Code of Civil Procedure, 1908 (*The Limitation Act, 1963*). Section 5 allows the Court to render substantial justice by using the phrase "sufficient cause" in a flexible manner. If the delay is caused by circumstances beyond the plaintiff's control, it may be excused (Justice V.R. Krishna Iyer, 1978). In matrimonial cases, relevant information such as the couple's location and date of marriage, their religious affiliation at the time of marriage, and whether they have remained such as of the petition filing date are all required to be provided (The Hindu Marriage Act, 1955).

The date and circumstances of the respondent's withdrawal from the spouse's society must be specified in the petition for restitution of conjugal rights, *for example* (*The Hindu Marriage Act, 1955*).

Subject to certain exceptions, Section 17 of the Limitation Act states that the statute of limitations will not start to run until the plaintiff or applicant has discovered the fraud or mistake, unless the suit or application is based on the defendant, respondent, or his agent's fraud or mistake, or in other situations specified in Section 17.

A Sacred Institution: Marriage

Marriage is a sacred institution. It is the foundation of a strong family and a civilized community. It provides the parties and their children with security and prestige (Kane, 1941). When two people marry, they each bring a unique set of goals to the marriage. Some of these goals are influenced by their past relationships, upbringing, and other factors (Kapadia, 1966). These goals are always evolving throughout a marriage, leading to conflicts of interest or disagreements over various topics (The Hindu Marriage Act, 1955).

Causes for Matrimonial Disruption

There are various reasons for matrimonial discord, including ignorance, assertion of demands, compromising and negotiating, and resignation (Justice V.R. Krishna Iyer, 1978).

Remedies in Matrimonial Litigation

Restitution of conjugal rights, judicial separation, and divorce are among *the remedies available in matrimonial litigation* (*The Hindu Marriage Act, 1955*). Matrimonial disputes, which relate to human relationships, eventually affect not only the families involved but also society as a whole.



In divorce litigation, the conflict is generally based on interpersonal relationships, which impacts both the families and society. Therefore, it is necessary to avoid applying a strictly technical approach. Courts must address such lawsuits more practically rather than adopting a hyper-technical stance (Justice V.R. Krishna Iyer, 1978). The conflict in marital litigation is essentially rooted in interpersonal relationships, which ultimately affects both families and society (The Hindu Marriage Act, 1955). Courts are obliged to handle such cases pragmatically, avoiding a hyper-technical approach (Punjab and Haryana High Court, 2015).

Legal Proceedings in Matrimonial Cases

A petition may be filed by a spouse to start a legal action for separation, divorce, annulment, presumption of a spouse's death, or restoration of conjugal rights (The Hindu *Marriage Act*, 1955).

In addition *to* submitting a cross-

petition and an answer to the *petition*, the *respondent* may also submit *copies of the documents* that will be used as evidence, a list of witnesses, and their testimonies (Code of Civil Procedure, 1908). Cross-examining *witnesses and* presenting arguments on legal matters are permitted by the regulations for a respondent who has not filed a counter-petition or answer (*Code of Civil Procedure*, 1908).

Until *this* clause was included, *a respondent who had not replied to the petition could only* argue on costs, damages, and custody and cross-examine witnesses (Justice V.R. Krishna Iyer, 1978).

Factors Responsible for Delay in Matrimonial Cases

There are several reasons for the ineffectiveness of the Indian judicial system, one of which is a simple technical or knowledge failure (Law Commission of India, 2009). Large-scale confusion results from a lack of knowledge, which is partly the consequence of insufficient data, leading to inefficiency and time wastage (Justice V.R. Krishna Iyer, 1978).

The lack of financial resources and infrastructure is another significant factor contributing to delays in the judicial process (Law Commission of India, 2009). Inefficient management of courts further exacerbates the problem (National Judicial Data Grid, 2021). Additionally, the high number of appeals made from lower courts to the High Courts and then to the Supreme Court significantly contributes to delays (Basu, 2008).

The delay is also partially attributable to the mindset of some attorneys. When a plaintiff receives interim or ad-interim relief, they may seek to prolong the case to extend the stay or injunction. Similarly, if the defendant has no defense, they may attempt to delay the trial to postpone an unfavorable outcome (Justice V.R. Krishna Iyer, 1978).



Details Required in Matrimonial Litigation

In matrimonial litigation, specific details must be filed, including:

- The venue and date of the wedding.
- Whether the pair was Hindu when they got married *and if they stayed Hindu till the petition was filed.*
- *The husband and wife's names, marital status, and place of residence both before and during the petition's filing*
- The address where the parties last lived together and their location at the time the petition was presented.
- Names, sex, and birthdates or ages of any children from the marriage.
- Complete information on any prior disputes between the parties before the petition's filing date (The Hindu Marriage Act, 1955).

In cases concerning mental illness or psychological disorders, it is essential to specify the nature of the illness, the date of its onset, and the duration of medical treatment (The Hindu Marriage Act, 1955). Similarly, if a petition is based on the ground that one party has renounced worldly life by joining a religious order, the date of renunciation and details of the religious order must be clearly provided, as required under the Hindu Marriage Act, 1955.

Challenges in Document Collection and Proof

Various particulars related to the residential or domicile records of the parties, their employment, source of income, and the number of children must be provided. Collecting these documents from various departments can be time-consuming. Parties may also need to produce witnesses and documents to substantiate their claims. The particulars pleaded must be described in detail, and allegations must be elaborated substantially. Proof of pleadings may be established through documents, witnesses, or commissions (CPC, 1908).

Since matrimonial litigation is highly sensitive, changes in circumstances may necessitate applications for the amendment of pleadings (Code of Civil Procedure, 1908). Applications for the addition of parties (O 1 R 10 CPC) or other matters may also be presented in court. During proceedings, applications for interim maintenance are frequently filed (The Hindu Marriage Act, 1955).



Matrimonial litigations often expand over time. Litigants become entangled in disputes, and sometimes cases of domestic violence or harassment by husbands or relatives are filed by the aggrieved wife (*Act of 2005 to Protect Women from Domestic Violence*).

Nexus between Matrimonial Litigation and Limitation Act

The relationship between matrimonial litigation and the Limitation Act, 1963, is particularly pertinent in two areas: divorce and restitution of conjugal rights (The Limitation Act, 1963). This research paper examines the relationship between the provisions of the Limitation Act, 1963, and matrimonial litigation, particularly divorce and restitution of conjugal rights, emphasizing the effects of the statutes of limitations on the parties' rights and the legal system (Basu, 2008).

Divorce and Limitation Act

Under the Hindu Marriage Act (HMA), 1955, there is no set time restriction for submitting a divorce petition (The Hindu Marriage Act, 1955). A person may file for divorce at any point during their marriage or even years after the relationship has ended, as there is no prescribed statute of limitations. However, in practice, courts may consider factors such as the delay in filing the petition when determining whether to grant a divorce (Justice V.R. Krishna Iyer, 1978). Although the HMA does not specify a time restriction, courts may take into account the parties' circumstances, and a protracted delay in filing may influence the decision to grant divorce (Law Commission of India, 2009).

Courts will not approve every divorce petition, regardless of delay, simply because there is no time restriction. When evaluating the seriousness of the petition or the basis for the request, a delay in filing for divorce may sometimes be considered (Justice V.R. Krishna Iyer, 1978). For instance, prolonged separation and non-cohabitation may support a divorce claim, but courts are likely to question why the couple took so long to file for divorce (The Hindu Marriage Act, 1955).

Although the absence of a time limit offers flexibility, it can also create complications. For instance, individuals experiencing abuse or prolonged neglect may postpone filing for divorce due to fear, emotional dependence, or other limitations, thereby extending their suffering (*Act of 2005 to Protect Women from Domestic Violence*). On the other hand, the lack of a fixed deadline ensures that the statute of limitations does not become an unjust obstacle for those seeking divorce after a considerable lapse of time (The Limitation Act).



The Limitation Act and the Restoration of Conjugal Rights under the Hindu Marriage Act, 1955

Another significant remedy available under marriage law is the restoration of conjugal rights. One spouse may utilize this remedy to ask the court to compel the other to return to living together and fulfill their marital obligations (The Hindu Marriage Act, 1955). This legal remedy is often sought when one spouse has unreasonably left the marital residence or refused to cohabit (Justice V.R. Krishna Iyer, 1978).

Section 9 of the (HMAAct), any spouse may obtain a decree for the restoration of conjugal rights if the other spouse has left the petitioner's society without a valid reason (The Hindu Marriage Act, 1955). Unlike some other remedies, there is no set time restriction for submitting a petition for the restoration of conjugal rights under the HMA. However, similar to divorce, a significant delay in filing the petition may influence the court's decision (Law Commission of India, 2009). Although the HMA does not prescribe a specific time limit, courts may consider the cause of the delay, especially if the parties have been living apart for an extended period (Justice V.R. Krishna Iyer, 1978).

Given the passage of time and the practical challenges of re-establishing the relationship, courts may be hesitant to grant this remedy if a spouse has been separated for many years and has not previously sought restitution of conjugal rights (The Hindu Marriage Act, 1955). In practice, if one spouse seeks restitution after a prolonged period of separation, the court may consider the practical realities of the situation, such as whether the relationship has irretrievably broken down (Law Commission of India, 2009). A request for restitution after a long separation may be viewed as unrealistic or unlikely to succeed, particularly if the relationship has significantly deteriorated (Justice V.R. Krishna Iyer, 1978).

In situations where the parties have been separated due to serious issues such as domestic abuse, the absence of a time limit may present challenges (Protection of Women from Domestic Violence Act, 2005). In such cases, it may seem unreasonable and unjust to expect the aggrieved spouse to file a restitution petition within a specific timeframe. The current framework does not sufficiently account for situations where one spouse is unable to reconcile due to physical, emotional, or psychological harm inflicted by the other (Justice V.R. Krishna Iyer, 1978). The rigid requirements for restitution may not always align with an individual's right to a safe and dignified life (Protection of Women from Domestic Violence Act, 2005).

Judicial Separation

According to *Section 10 of the Hindu Marriage Act of 1955*, the statute of limitations for judicial separation is normally one year from the date of separation. This limitation encourages couples to resolve their

marital status promptly. However, this provision has been criticized for failing to account for situations where one spouse may not be aware of the legal implications or the possibility of seeking judicial separation (Justice V.R. Krishna Iyer, 1978).

Imposing a one-year time restriction may also be impractical for victims of mental cruelty or long-term domestic abuse, as they may require more time to gather the emotional or financial resources needed to file a petition (The 2005 Protection of Women Against Domestic Violence Act). The rigid time frame may discourage individuals from seeking justice, particularly when they are emotionally or financially vulnerable (Law Commission of India, 2009).

Appeals in Conjugal Rights Restitution and Divorce

A party may appeal to a higher court if they feel aggrieved by the family court's ruling in a divorce or restitution of conjugal rights proceeding. Section 13 of the Act, 1963 states that an appeal in divorce matters must be filed within ninety days of the date of the decision or judgment (The Limitation Act, 1963). While the court may excuse the delay under Section 5 of the Limitation Act if the appellant provides sufficient justification, failure to file within the allotted 90 days may result in the appeal being dismissed (Justice V.R. Krishna Iyer, 1978).

The statute of limitations for appeals is often criticized for being too short, especially in complex matrimonial disputes where parties may need more time to gather financial resources or evidence before filing an appeal (Law Commission of India, 2009). The limited time constraint may also hinder parties from fully evaluating the lower court's ruling, potentially limiting their ability to pursue justice (Basu, 2008). However, it can be argued that this time frame ensures closure for both parties and prevents conflicts from continuing indefinitely (The Limitation Act, 1963).

The "Continuing Wrong" Doctrine

The Limitation Act of 1963's definition of a "continuing wrong" permits the statute of limitations to be extended in situations *where the wrongdoing is still occurring*. (The Limitation Act, 1963). This is particularly relevant in matrimonial disputes involving cruelty, desertion, or other persistent violations (Justice V.R. Krishna Iyer, 1978).

The "continuing wrong" approach is advantageous as it permits a party to seek redress even if the wrongdoing has persisted for an extended period (Law Commission of India, 2009). For instance, in cases of domestic violence, the victim may still be able to seek remedy after a considerable period, as the harm inflicted by the spouse may continue (Protection of Women from Domestic Violence Act, 2005).

Practical Challenges in Matrimonial Litigation



Matrimonial cases often involve complex emotional, psychological, and financial factors. For example, if a wife files for divorce on the grounds that her marriage was consummated before she turned 15 and she repudiated the union after turning that age but before turning 18, she must provide the date and circumstances of the marriage (The Hindu Marriage Act, 1955). Such cases require detailed evidence and can be time-consuming to resolve.

Familial matters are often fraught with sentiments, anxiety, faith, and hatred, necessitating timely resolution to allow the parties to move forward with their lives (Justice V.R. Krishna Iyer, 1978). Delays in resolving such cases can exacerbate emotional and financial burdens, highlighting the need for efficient judicial processes (Law Commission of India, 2009).

The Essence of the Courts' Lenient Approach in Implementing the Limitation Act in Matrimonial Cases

1. Family Disputes Have a Different Nature from Civil or Commercial Disputes

The courts' lenient interpretation of the Limitation Act, 1963, in matrimonial cases is rooted in the understanding that family conflicts are fundamentally distinct from business or civil disputes (Justice V.R. Krishna Iyer, 1978). Matrimonial proceedings involve personal rights, emotions, relationships, and societal obligations, necessitating a justice-oriented approach rather than a strictly technical application of limitation rules (The Hindu Marriage Act, 1955).

2. People May Be Hesitant to Speak Out or Unaware of Legal Recourse

Familial ties are sensitive, and it often takes time for parties to understand the positive and negative aspects of their situation. They may attempt to resolve issues over time, and there may also be a lack of awareness due to the complexities of legal procedures (Law Commission of India, 2009).

3. Section 5 of the Limitation Act permits a delay to be excused-Courts exercise discretion under Section 5 of the Limitation Act to ensure that genuine cases are not dismissed due to technicalities (The Limitation Act, 1963). In family cases, courts have interpreted "sufficient cause" broadly, considering factors such as abuse, financial hardship, mental distress, and illiteracy (Justice V.R. Krishna Iyer, 1978). This practical approach is essential to address delays in divorce proceedings effectively (Law Commission of India, 2009).

4. Continuing Cause of Action In cases involving maintenance and domestic violence, courts recognize ongoing obligations, preventing dismissal due to limitation (Protection of Women



from Domestic Violence Act, 2005). These issues may arise or persist over a long period, requiring a flexible approach to limitation (Justice V.R. Krishna Iyer, 1978).

5. Theory of Balancing Rights

Courts aim to protect the interests and welfare of litigants by entertaining cases with substantive causes of action while circumventing prolonged litigation filed with ill motives or false grounds (The Hindu Marriage Act, 1955).

6. Protection of Rights of Women

Women are often considered a vulnerable segment of society, especially in family disputes, making it imperative for courts to adopt a liberal approach in cases involving women, children, and financially dependent spouses (Protection of Women from Domestic Violence Act, 2005). In *Vanka Radhamanohari v. Vanka Venkata Reddy* (1993 AIR 2063), the Supreme Court held that delays in matrimonial appeals should be condoned liberally to ensure fair hearings.

7. Substantive Justice Doctrine Prevails Over Procedural Law

The Supreme Court and High Courts have consistently held that substantive fairness in family disputes should not be overruled by procedural laws, such as limitation (Justice V.R. Krishna Iyer, 1978). For instance, courts have emphasized that matrimonial cases should not be dismissed solely based on procedural issues to ensure equitable resolution of conflicts (Law Commission of India, 2009).

8. Humanitarian Aspects and Public Policy

Family conflicts require a tactful approach as they involve emotions, societal repercussions, and financial dependencies. Courts prioritize resolving differences and conflicts, emphasizing the sensitive nature of family issues and the welfare of the people (The Hindu Marriage Act, 1955).

JURISPRUDENTIAL NORMS

It was decided in *M.S. Naudine Pharma, rep. by its Partner and others vs. M/s. Med Manor Organics Pvt. Ltd., rep. by its Director* (2019 (2) ALT 270) *that the accuracy of the explanations or reasons for the delay is more significant than the length of the delay.*

In the absence of proof of negligence, inaction, or lack of bona fide, established legal principles require that "sufficient cause" be read broadly (The Limitation Act, 1963). The primary goal of courts is to administer justice, and there is no predetermined method for granting delays; each case must be considered independently (Justice V.R. Krishna Iyer, 1978).



The case of *State of Punjab v. Sarwan Singh* (AIR 1981 SC 1054) dealt with situations *in which the complainant* had been abused, tortured, *and attacked by their spouse or other family members*.

Domestic abuse is frequently ongoing, *and victims may put off reporting it out of fear or social pressure* (Protection of Women from Domestic Violence Act, 2005).

Judges *must* take into account *Section 473 of the Code of Criminal Procedure (CrPC)*, which permits judges to *prolong the statute of limitations if it is required in the interest of justice*, when assessing the statute of limitations for offenses under *Section 498A of the Indian Penal Code (IPC)* (*Code of Criminal Procedure, 1973*). In *Raghunath Das vs. Gokul Chand* (1958 AIR 827), the Supreme Court established that limitations should not be applied strictly in cases involving justice and fundamental rights. Courts aim to promote the welfare of the people and cannot rigidly disallow a person's right to litigate (Justice V.R. Krishna Iyer, 1978).

In *Chand Dhawan vs. Jawaharlal Dhawan* (1993 AIR 1743), the court emphasized that matrimonial actions should not be dismissed solely on technical grounds of limitation. Family matters are sensitive and involve emotions such as ego, anxiety, and feelings, which cannot be resolved through a rigid approach (The Hindu Marriage Act, 1955).

Problems with and Abuse of the Liberal Approach

1. Potential for Deliberate Delay

Some individuals may abuse the flexibility of the limitation period to harass their partners. Familial issues such as ego clashes or adjustment problems may be exaggerated even after a long passage of time, disrupting familial ties. Such cases require a stricter approach to the limitation period to prevent misuse (Law Commission of India, 2009).

2. Balancing Rights

Courts must balance the protection of the harmed party with the prevention of abuse. The Limitation Act is enacted in consonance with public welfare policies to curtail unnecessary litigation. Litigation initiated after a long delay may be viewed with suspicion, as the time of courts and litigants is precious (The Limitation Act, 1963).

3. Need for Clearer Guidelines

While courts adopt a flexible approach, clearer guidelines are necessary in some situations to avoid unnecessary litigation. Family litigations can have a negative impact on society, and the



strict applicability of the Limitation Act may help curtail frivolous litigation and preserve family units (Law Commission of India, 2009).

Conclusion

There is a pressing need to strike a delicate balance between matrimonial litigation and the Limitation Act, 1963. Family matters are inherently sensitive, involving deep emotions such as ego, anxiety, and personal feelings, which often lead individuals to delay approaching the courts until long after the issues arise (Justice V.R. Krishna Iyer, 1978). Courts have recognized this complexity and adopted a lenient approach, particularly in cases involving domestic violence, cruelty, or financial dependency, where victims may take time to gather the courage or resources to seek legal recourse (Protection of Women from Domestic Violence Act, 2005).

However, while flexibility is essential to ensure justice for genuine cases, a stricter approach may be necessary to uphold the sanctity of marriage and prevent the misuse of legal processes. Frivolous or sham litigation, often driven by ego clashes, materialistic motives, or personal vendettas, can undermine the credibility of the institution of marriage and burden the judicial system (Law Commission of India, 2009). The Limitation Act serves as a safeguard against such misuse by imposing reasonable time limits, ensuring that disputes are resolved promptly and efficiently (The Limitation Act, 1963).

The courts have consistently emphasized that substantive justice should prevail over procedural technicalities, especially in family disputes (*Chand Dhawan vs. Jawaharlal Dhawan*, 1993 AIR 1743). Yet, clearer guidelines and a balanced approach are crucial to prevent unnecessary litigation while protecting the rights of vulnerable parties. By harmonizing the principles of the Limitation Act with the unique nature of matrimonial disputes, the legal system can ensure fairness, reduce delays, and preserve the integrity of family relationships.

Ultimately, the goal is to create a framework that respects the emotional and societal dimensions of family disputes while discouraging frivolous litigation, thereby fostering a more just and efficient legal system.

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