
(2017) 05 MP CK 0098
In the Madhya Pradesh High Court
Case No : 4555 of 2010

KAMAL SINGH

APPELLANT

Vs

SAVITRI BAI

RESPONDENT

Date of Decision : 18-05-2017

Acts Referred:

[Limitation Act, 1963](#), [Section 5](#), [Section 29\(2\)](#) -
Railways Claim Tribunal Act, 1987, Section 23, Section 13, Section 17(2), Section 23(3)

Citation : (2017) 05 MP CK 0098

Hon'ble Judges : R.S. Jha, A.K. Joshi

Bench : Single Bench

Judgement

1. By order dated 20.2.2017 the following question has been referred for being answered by this Bench. "Whether the provision of Section 5 of the Limitation Act is attracted to the appeal preferred under Section 23 of the Indian Railway Claims Tribunal Act, 1987 beyond the period of limitation ?" 2. As is evident from a perusal of order dated 20.2.2017, the matter has been referred to a Division Bench on account of the fact that the learned Single Judge taking note of the decision of this Court rendered in the case of Smt. Kunjmati v. Union of India, AIR 2016 MP 37 (M.A No.3108 of 2009 decided on 6.11.2015) wherein a Single Bench of this Court has held that the provisions contained in Section 5 of the Limitation Act, providing for extending the period of limitation on showing sufficient cause would not be attracted to the provisions of an appeal filed under Section 23 of the Railway Claims Tribunal Act, 1987 (hereinafter referred to as "the Claims Tribunal Act"), and, therefore, the appellate Court has no power to condone the delay in filing such appeals and the contrary view taken in the case of Smt. Veena Rao Phalke v. Union of India 2011 (3) MPHT 68, wherein the appeal filed after the lapse of the period of limitation prescribed under section 23 of the Claims Tribunal Act, was entertained by condoning the delay on an application filed under section 5 of the Limitation Act, 1963, was of the opinion

that there is a conflict of opinion on the issue and has, therefore, referred the aforesaid question for adjudication before the Larger Bench. 3. The learned Single Judge, while referring the matter, has also taken note of the fact that in the decision of the Orissa High Court rendered in the case of Union of India v. Ashok Kumar Saboo, AIR 2014 Orissa 46, it has been held that Section 5 of the Limitation Act would apply and that the Supreme Court in the case of Khussad and another v. Union of India, SLP (C) No.10024-10025 of 2011 has condoned the delay while granting leave. The learned Single Judge, taking note of the aforesaid conflicting views, has referred the question for being answered by a Larger Bench. 4. Before we consider and decide the question referred to us, it is necessary to take note of the fact that this Court, in the case of Smt. Veena Rao Phalke (supra), did not deal with or decide the issue relating to applicability of Section 5 of the Limitation Act to an appeal filed under section 23 of the Claims Tribunal Act whereas this issue was directly considered and decided by the Single Bench of this Court in the case of Kunjmati (supra) and the learned Single Judge, after taking into consideration the difference between Sections 17 and 23 of the Claims Tribunal Act and the omission under section 23(2) of the Act, to provide for a provision for condoning delay, has quoted para-17 of the judgment of the Supreme Court rendered in the case of Hukumdev Narain Yadav (supra) and para-35 of the judgment of the Supreme Court rendered in the case of Hongo India Pvt. Ltd. (supra), and after considering the provisions of the Claims Tribunal Act, 1987 has recorded a conclusion against the applicability of Section 5 of the Limitation Act, in the following terms in paras 10 to 14 :- 10. If in the backdrop of aforesaid authoritative pronouncement, the scheme of the special law in question namely the Railway Claims Tribunal Act, 1987, is examined, it may be seen that the preamble reads as hereunder : Preamble. - An Act to provide for the establishment of a Railway Claims Tribunal for inquiring into and determining claims against a railway administration for loss, destruction, damage, deterioration on nondelivery of animals or goods entrusted to it to be carried by railway or for the refund of fares or freight or for compensation for death or injury to passengers occurring as a result of railway accidents or untoward incidents and for matters connected therewith or incidental thereto. 11. Section 2 contains definitions. Chapter II provides for establishment of Railway Claims Tribunals and benches thereof. Chapter III relates to jurisdiction, power and authority of the Claims Tribunals. Section 15 engrafts a bar to the exercise of jurisdiction by any Court or authority in any matter covered by the Act. Chapter IV lays down the procedure to be adopted by the Claims Tribunals established under the Act, including provision with regard to limitation. Section 22 relates to execution of the orders of the Claims Tribunal. 12. Thus, there can be no manner of doubt that the Railway Claims Tribunals Act, 1987 is a complete code in itself. It was enacted in view of the fact that the litigation in Courts of law and before Claims Commissioners was very protracted; and with the avowed object to set up a specialised Tribunal for speedy adjudication of railway claims. 13. As such, regardless of the fact that no express reference has been made in The Railway Claims Tribunal Act, 1987, excluding the application of specific

provisions of the Limitation Act, such application shall be deemed to have been impliedly excluded in view of the fact that the Railway Claims Tribunal Act is a complete code in itself and makes specific provisions to cover every aspect of the accident claims against railways. 14. In aforesaid view of the matter, section 5 of the Limitation Act would have no application to an appeal under sub-section (1) of section 23 of the Railway Claims Tribunal Act, 1987 and the High Court would have no jurisdiction to entertain such appeal beyond the stipulated period of limitation of 90 days regardless of the fact that the appellant had sufficient cause for such delay." 5. The learned Senior Counsel appearing for the appellant submits that Section 29(2) of the Limitation Act is of general applicability and lays down that in all cases where a special or local law provides for a different period of limitation than the period prescribed under the Limitation Act, such different period of limitation, as prescribed under the special or local law shall be deemed to be the limitation prescribed under section 3 of the Limitation Act and consequently the provisions of Section 4 to 24 of the Limitation Act shall apply to the special or local law in so far as and to the extent that they are not expressly excluded. The learned Senior Counsel for the appellant submits that as there is no express exclusion of the provisions of Sections 4 to 24 of the Limitation Act and as there is nothing in the Claims Tribunal Act that can be construed to exclude the applicability of Section 29(2) of the Act even by inference, the provision of Section 5 of the Act would apply and the appellate Court namely, the High Court would have the powers under section 23 of the Claims Tribunal Act to condone the delay in filing an appeal and to extend the period of limitation prescribed thereunder by exercising powers under section 5 of the Limitation Act. 6. The learned Counsel for the respondents, per contra, submits that the Claims Tribunal Act, is a complete code in itself dealing with the manner of considering and deciding claims arising out of Railway accidents and untoward incidents as well as disputes as mentioned in Section 13 of the Claims Tribunal Act. It is submitted that Section 17(2) of the Claims Tribunal Act, specifically empowers the Claims Tribunal to entertain a claim even after the period of limitation prescribed under sub-section (1) thereof has expired in case the applicant is able to satisfy the Claims Tribunal that he had sufficient cause for not making an application within limitation. 7. It is submitted that while the Claims Tribunal Act confers specific powers to condone such a delay in respect of filing of claims under section 17 of the Act on the Claims Tribunal, such a power to condone the delay in filing an appeal under section 23 of the Claims Tribunal Act, is conspicuously absent and has been omitted. It is submitted that as the Claims Tribunal Act is a complete code dealing with the filing and adjudication of claims against the railway in respect of specified issues and as the Act consciously provides for the power to condone the delay in filing claims and at the same time has consciously omitted to confer any such power on the appellate court in respect of an appeal filed under section 23 of the Claims Tribunal Act, therefore, the Single Bench of this Court in the case of Kunjmati (supra) has rightly held that the provisions of Section 5 of the Limitation Act, cannot be invoked by the High Court in an appeal filed under section 23 of the Act and is bound to dismiss

the same if it is filed beyond the period of limitation mentioned and specified under section 23(3) of the Claims Tribunal Act. 8. The learned counsel for the parties, in support of their rival contentions, have taken this Court through the decisions of the Supreme Court rendered in the cases of *Hukumdev Narain Yadav v. Lalit Narain Mishra*, 1974 (2) SCC 133; *Mangu Ram v. Municipal Corporation of Delhi*, 1976 (1) SCC 392; *Vinod Gurudas Raikar v. National Insurance Co. Ltd. and others*, 1991 (4) SCC 333; *Competent Authority Tarana District Ujjain v. Vijay Gupta*, 1991 SUPP (2) SCC 631; *Birla Cement Works v. G.M. Western Railway And Others*, 1995 (2) SCC 493; *State of W.B and others v. Kartick Chandra Das and others*, 1996 (5) SCC 342; *Union of India v. Popular Construction Co.*, 2001 (8) SCC 470; *Pallav Sheth v. Custodian And Others*, 2001 (7) SCC 549; *Prakash Jain v. Marie Fernandes*, 2003 (8) SCC 431; *Gopal Sardar v. Karuna Sardar*, 2004 (4) SCC 252; *Mohd. Sagir v. Bhel*, 2004 (2) MPLJ 359; *Branch Manager Sbi v. Presiding Officer Central Govt. Industrial Tribunal, Kanpur*, 2006 (3) ALJ 170; *Singh Enterprises v. Commissioner of Central Excise, Jamshedpur and others*, 2008 (3) SCC 70; *Consolidated Engineering Enterprise v. Principal Secretary Irrigation Department*, 2008 (7) SCC 169; *Chaudarana Steels Private Ltd. v. Commissioner of Central Excise, Allahabad*, 2009 (15) SCC 183; *Commissioner of Custom And Central Excise v. Hongo India Pvt. Ltd.*, 2009 (5) SCC 791; *Chhatisgarh State Electricity Board v. Central Excise Regulatory Commission*, 2010 (5) SCC 23; *State of MP v. Anshuman Shukla*, 2014 (10) SCC 814; *Ram Singh Jain v. Union of India*, MA No. 1756 of 2015; *Union of India v. Gujrat State Electricity Corporation Ltd.*, CA No. 12844 of 2015 : CA No. 12864 of 2015 : FA No. 2284 of 2015 decided on 21/10/2016; *M.P. Steel Corporation v. Commissioner of Central Excise*, 2015 (7) SCC 58; *M/s. Suryachakra Power Corporation Ltd v. Electricity Department, Rep. By Its Superintending Engineer, Port Blair*, 2016 SCC Online SC 1063; *Baleshwar Dayal Jaiswal v. Bank of India and others*, 2016 (1) SCC 444; *Maihar Cement v. Union of India*, MA No. 1800 of 2016; *ONGC v. Gujarat Energy Transmission Corporation Ltd.*, 2017 SCC Online SC 223; *Patel Brothers v. State of Assam And Others*, 2017 (2) SCC 350 and *Shantilal M. Bhayani v. Shanti Bai*, 1995 Supp. (4) SCC 578, as well as the Three Full Bench Decisions of this Court rendered in the case of *Vijay Singh and another v. Competent Authority SDO Tarana*, 1977 MPLJ 614, *Nihalkaran v. Commissioner of Wealth Tax*, 1987 MPLJ 562 and *Mohammad Sagir v. Bhel* 2004 (2) MPLJ 359. 9. Having heard the learned counsel for the parties at length who have extensively taken this Court through the decisions, the broad principles of law laid down in the aforementioned decisions of the Supreme Court may be enumerated as under :- 1. That the law of limitation is applicable only to Courts and therefore before considering applicability of the provisions of section 29(2) of the Limitation Act this aspect is necessary to be considered. 2. That in case a special or local law provides for a different period of limitation than the one prescribed in the Limitation Act, the provisions of section 3 and consequently Sections 4 to 24 of the Limitation Act get automatically attracted and are included as part of the special or local law. 3. The inclusion of the provision of Sections 4 to 24 of the Limitation Act by virtue of Section 29(2) of the Limitation

Act in a special or local law is subject to their express exclusion in so far as and to the extent as provided under special or local law. 4. That the question as to whether the provisions of the Limitation Act have been expressly excluded and if so, the extent thereof can be decided either on the basis of any specific provision in the special or local law providing for such an express exclusion or in the absence thereof by necessary intendment or inference. In other words, there is no necessity for making a specific provision excluding the applicability of the Limitation Act and the fact that its applicability is necessarily excluded can also be inferred by examining the provisions of the special or local law. 5. For the purposes of determining whether the provisions of the Limitation Act have been expressly excluded by inference the Court is required to consider the scheme, purpose and object of the special and local law and not the Limitation Act and while doing so it is to be examined as to whether the special and local law is a complete code dealing with the subject matter in issue to the express exclusion of the provisions contained in section 4 to 24 of the Limitation Act. 10. As far as the first issue is concerned, in the instant case it is an undisputed fact that the appeal under section 23 of the Claims Tribunal Act is to be filed before the High Court which undisputedly and admittedly is a Court and, therefore, the provisions of the Limitation Act would apply. 11. We find support for the view taken by us from the decision of the Supreme Court rendered in the case of *Mukri Gopalan v. C.P. Aboobacker*, (1995) 5 SCC 5, wherein the Supreme Court has held that in case the designated appellate authority was a District Judge, the appellate authority is a Court. This view has been reiterated in the recent decision of the Supreme Court rendered in the case of *M.P. Steel Corporation* (supra) wherein the Supreme Court while holding that the observation made by the Supreme Court in the case of *Mukri Gopalan* (supra) relating to the applicability of the Limitation Act to Tribunals was not in conformity with the Larger Bench decisions of the Supreme Court, has nevertheless affirmed the view taken therein that in case an appeal is to be filed before a District Judge, it would be a Court in para-28 as under :- "The fact that the District Judge himself also happens to be the appellate authority under the Rent Act would have been sufficient on the facts of the case in the Limitation Act to apply without going into the proposition that the Limitation Act would apply to the Tribunal." 12. In the instant case as the appellate authority under Section 23 of the Claims Tribunal Act is the High Court, we have no hesitation in holding that it is a Court and, therefore, the provisions of the Limitation Act would apply. We are also of the considered opinion that the reliance placed by the learned counsel for the respondents on decision of the Supreme Court rendered in the case of *Birla Cement Works* (supra) has no relevance or applicability to the issue involved in the present case as in that case in reference to the provisions of Section 78-B of the Railways Act, 1989, the Supreme Court held that the Railway Claims Tribunal was a Tribunal and, therefore, the provisions of the Limitation Act, specifically Section 17(1) (c) of the Limitation Act, would not apply, whereas in the instant case we are concerned with the appellate forum which is the High Court under Section 23 of the Claims Tribunal Act and is undoubtedly and undisputedly a Court. 13. As we

have decided issue No-1, in the affirmative and have held that an appeal under Claims Tribunal Act, is to be filed before the High Court, which undoubtedly is a Court and as a separate period of Limitation is prescribed under Section 23(3) of the Claims Tribunal Act, for filing appeals thereunder, therefore, there can also be no cavil or dispute about the fact that prima facie the provisions of Section 29(2) of the Limitation Act, would be attracted as undisputedly, there is no separate provision in the Claims Tribunal Act, expressly excluding the applicability of the provisions of Sections 4 to 24 of the Limitation Act. 14. In the backdrop of the aforesaid, we proceed to decide issue Nos. 3 to 5, which are germane and relevant for the purposes of answering the reference made to this Court, namely, as to whether the applicability of Section 5 of the Limitation Act to appeals filed under Section 23 of the Claims Tribunal Act is expressly excluded by inference or necessary intendment, in view of the scheme of the Claims Tribunal Act and its object and purpose and on account of the fact that the Claims Tribunal Act is a complete Code in itself. 15. For the purpose of determining the aforesaid aspect it is necessary to first advert to the provisions of the Limitation Act, namely section 29(2) of the Limitation Act. The provision of section 29(2) of the Limitation Act, as it exists today was introduced in the statute book in the year 1963. The Section and its object and reasons published in the Gazette of India dated 19.6.1962 Part-II pg.466 are as under :- "29(2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in section 4 to 24 (inclusive) shall apply only in so far, as and to the extent to which, they are not expressly excluded by such special or local law." Objects And Reasons Clause 28.- Sub-clause (2) amends section 29(2) of the existing Act to provide that the principles contained in clauses 4 to 23 apply uniformly to all special or local laws in the absence of any local law excluding the application of any or all of those provisions in any given case. Sub-clause (3) amplifies section 29(3) of the existing Act so as to exclude the application of this law to suits under any law dealing with marriage or divorce." 16. A bare perusal of the object and reason makes it clear that the legislature while amending Section 29 (2) thought it necessary to generally prescribe and include the provisions of section 4 to 24 including Section 5 of the Limitation Act in all legislations, special and local, so that no specific and separate provisions for the same needed to be made or are required to be made in the concerned special or local law. 17. The object and purpose of section 5 of the Limitation Act, published in the Gazette of India dated 19.6.1962 Part-II pg. 462 to 463, is also of relevance and is, therefore, reproduced as under :- Objects And Reasons Clause 5.- Instead of leaving it to the different States or High Court to extend the application of section 5 to applications other than those enumerated in that section as now in force, this clause provides for the automatic application of this section to all applications, other than those arising under Order 21 of Code of Civil Procedure, 1908,

relating to execution of decrees. In the case of special or local laws, it will be open to such laws to provide that section 5 will not apply." 18. A perusal of the object and reason of introducing section 5 also makes it apparent that the legislature wanted to prescribe and provide for a provision for condonation of delay on furnishing sufficient grounds not just in respect of the Limitation Act but also in respect of suits appeals or applications filed under special and local laws and, therefore, has specifically stated in the statement of objects and reasons that "in the case of special or local laws, it will be open to such laws to provide that Section 5 will not apply". 19. It is pertinent to note that the words used under section 29(2) of the Limitation Act are "express exclusion", as opposed to "express inclusion". In other words it is apparent that the moment section 29(2) is attracted the provisions of section 4 to 24 are automatically included in the provisions of the special or local law unless and until they are expressly excluded. In other words, the very use of the word exclusion implies automatic pre-inclusion of the provisions of section 4 to 24 of the Limitation act, in the special and local law. 20. We are also of the considered opinion that the word "express" used in section 29(2) has to be given due importance. The Supreme Court has held that the word express exclusion does not mean exclusion only by making an express provision in the special or local law and that express exclusion can also be inferred by analysing the provisions of the special law or local law concerned, however at the same time it is also apparent that express exclusion by inference in relation to Section 29(2) of the Limitation Act requires something more to be provided and established and is apparently not the same as a normal or mere exclusion by inference as commonly understood. In other words, in our considered opinion the word express exclusion when considered for the purposes of determining as to whether the provisions of the Limitation Act are "expressly excluded" by necessary intendment would mean and can be inferred and established only when the provisions of the Limitation act, if read into the special or local law, would either be in direct conflict with the provisions of the special or local law or would render some of its provisions otiose or redundant thereby making it impossible for the provisions of the Limitation Act and the special or local law to exist or to be read together as a part of the special or local law. 21. In order to decide as to whether the provisions of section 29(2) of the Limitation Act are expressly excluded by inference by the provisions of the Railway Tribunal's Act it is necessary to consider the legislative history of the Railway Tribunal's Act as well as its provisions. 22. Prior to the enactment of the Railway Tribunal's Act in the year 1987 a series of sections were incorporated in the Railways Act, 1890, namely section 82-A to 82-J between 1943 and 1949. The aforesaid provisions of the Railways Act, as they then existed, provided for the entire machinery for considering and deciding claims relating to compensation and damages arising out of railway accidents and untoward incidents. The aforesaid provisions conferred powers of deciding claims upon the Commissioner claims and thereafter also provided for filing of an appeal before the High Court. Significantly both the provision for filing a claim before the Commissioner Claims as contained in section 82-B and the provision for filing an

appeal under Section 82-F, provided for condoning delay in filing the claim or the appeal as the case may be, on showing sufficient cause. 23. It is pertinent to note that the aforesaid provisions relating to raising of claims and filing appeals were incorporated in the Railways Act in the year 1949 prior to the amendment in the Limitation Act in the year 1963 when the amended Section 29(2) of the Limitation Act did not include in its scope Section 5 of the Limitation Act. Subsequently after Section 29(2) of the Limitation Act was amended in 1963 and Sections 4 to 24 of the Limitation Act were included therein, thereafter when the Railway Claims Tribunal Act 1987 was enacted providing for filing of claims before the Railway Claims Tribunal and of filing an appeal before the High Court, while the provision relating to condonation of delay in filing claim petitions before the Claims Tribunal contained in Section 82-B of the Railways Act was retained under section 17 of the Claims Tribunal Act, such a provision for condonation of delay which existed under the old Section 82-F of the Railways Act was deleted while incorporating the provision for filing of appeals before the High Court under section 23 of the Claims Tribunal Act and therefore, as on date, while there is a specific provision contained in Section 17 of the Claims Tribunal Act conferring powers on the Railways Claims Tribunal to condone the delay in filing claim applications, there is no corresponding provision contained in Section 23 of the Claims Tribunal Act, conferring powers on the High Court to condone the delay in filing the appeal. 24. A perusal of the statement of aims and objects of the Claims Tribunal Act, makes it clear that it was enacted with a view to provide for the adjudication of claims by a specialised Tribunal to do away with the protracted proceedings before the Claims Commissioner and for ensuring speedy and expeditious adjudication and payment of compensation to victims of rail accidents and to those whose goods are lost or damaged in rail transit as well as for adjudication of disputes regarding refund of fares and freight charges. The object of the Claims Tribunal Act was to provide for jurisdiction, power and authority to be exercised by the Claims Tribunal, the procedure to be followed by the Claims Tribunal including provisions as to limitation and the exclusion of jurisdiction of all Courts in respect of matters falling within the jurisdiction of the Claims Tribunal. From the object and scheme of the Act it is also apparent that it is a beneficial and welfare legislation. 25. It is in such circumstances that we are required to decide to as whether the High Court can exercise powers under Section 5 of the Limitation Act to condone the delay in filing an appeal under Section 23 of the Claims Tribunal Act, in view of the provisions of Section 29(2) of the Limitation Act in spite of the deletion of the provision for condoning delay in filing appeals. 26. As stated earlier while there is no provision for condoning the delay in filing an appeal under Section 23 of the Claims Tribunal Act, at the same time there is also no provision in the Claims Tribunal Act, expressly excluding the applicability of the provisions of Section 4 to 24 of the Limitation Act. 27. In normal circumstances, while construing and interpreting the impact of deletion of any provision, it is possible to construe that the intention of the legislature is to exclude the applicability of that provision as it has been deleted while amending it subsequently. However, the aforesaid general interpretation, in

our considered opinion, would not be applicable while interpreting the special or local law in view of the provisions of Section 29(2) of the Limitation Act. 28. We say so as the Legislature in its wisdom has incorporated the provisions of section 29 (2) in the Limitation Act with the object and purpose of expressly incorporating and including all these provisions relating to limitation contained in section 4 to 24 to the Limitation Act into all special and local laws so that the Legislature is not required to make specific provisions in that respect while enacting each and every special and local Act or law and has clearly specified that even in the absence of such provisions in the special or local law the provisions of sections 4 to 24 will be deemed to be expressly included and incorporated therein. In other words, in view of the provisions of section 29(2) of the Limitation Act these general provisions relating to limitation are to be read as expressly included and telescoped into all special and local laws even in the absence of any specific stipulation contained therein. Apparently, in view of the provisions of section 29(2) of the Limitation Act, the express inclusion of the provisions of section 4 to 24 of the Limitation Act in the special and local law is the rule and their express exclusion is an exception which can be inferred only in case there is a specific provision in the special or local law providing for their inapplicability or the provisions of the special or local law already contain similar or other provisions relating to the issues covered by section 4 to 24 of the Limitation Act thereby leading to the only conclusion and inference that they are expressly excluded by necessary intendment. 29. That apart, as express inclusion is the rule while express exclusion is an exception, the presumption of express inclusion cannot be displaced by mere deletion or omission of a provision for condonation of delay in the special or local law in view of the statutory mandate of Section 29(2) of the Limitation Act which could have been otherwise presumed in the absence of such a provision as Section 29(2) of the Limitation Act. 30. In fact, the presumption is and has to be to the contrary, namely, that the Legislature, being fully aware of the existence of the provisions of section 29 (2) of the Limitation Act while enacting the special or local law has knowingly and consciously deleted the provision relating to condonation of delay being fully conscious of the fact that the provisions of sections 4 to 24 of the Limitation Act including section 5 contained therein would be expressly included in the special and local law. Presuming otherwise would impute ignorance upon the legislature which is not permissible. 31. As express inclusion is the rule and express exclusion is an exception therefore express exclusion can be inferred only in cases where the Legislature while framing the special or local law and being fully aware of the existence of section 29 (2) of the Limitation Act, has enacted clear and specific provisions relating to or providing for any or all of the issues contained in sections 4 to 24 of the Limitation Act which are different and in conflict with them, thereby expressly excluding their applicability by necessary indendment even without clearly specifying or making a provision regarding their express exclusion in the special or local law. 32. In other words, the provisions of Section 29(2) of the Limitation Act creates a statutory presumption of express inclusion of the provisions of Sections 4 to 24 of the Limitation Act into the

provisions of the special or local law. Such a statutory presumption cannot be displaced or rebutted by a mere assumption. In view of the law laid down by the Supreme Court such a statutory presumption can be displaced, rebutted or refuted by an inference of express exclusion, in the absence of a clear and specific statutory provision, only in case it is evident or is established that the provisions of Sections 4 to 24 of the Limitation Act when read into or as part of the special or local law cannot exist or stand together in the same statute on account of apparent conflict and contradictions. This leads us to the inevitable conclusion that mere deletion of a provision for condonation of delay with nothing more, as in the present case relating to the Claims Tribunal Act, would not and cannot displace the presumption of express inclusion and, therefore, cannot amount to or lead to an inference or assumption of express exclusion. 33. When the provisions of the Claims Tribunal Act is examined keeping the aforesaid principles in mind it is observed that the Claims Tribunal Act is totally silent in respect of any of the matters covered by section 4 to 24 of the Limitation Act as far as the provision of filing of an appeal before the High Court under section 23 of the Claims Tribunal Act is concerned. As stated earlier the mere act of deleting the provision for condoning delay from the provision relating to filing of an appeal while enacting the Claims Tribunal Act in the year 1987 would not and cannot amount to an express exclusion as the Legislature was well aware of the existence of the statutory presumption of express inclusion contained in section 29 (2) of the Limitation Act on the date when the Railway Claims Tribunal Act was enacted in 1987. The rule of interpretation applied normally and the inference drawn in a normal circumstances on deletion of a provision in a special or local law would in our considered opinion, not apply for arriving at such a conclusion of express exclusion in respect of section 29 (2) of the Limitation Act in view of the discussion in the preceding paragraphs regarding the presumption of express inclusion in the absence of express exclusion as opposed to the principle of normal or general exclusion. 34. For the same reasons we are also of the considered opinion that as the Legislature was fully aware of the provisions of the Limitation Act it consciously retained the provisions relating to condonation of delay in respect of filing claims before the Claims Tribunal on account of the fact that it was a tribunal to which the Limitation Act would not apply while it consciously deleted the provisions relating to condonation of delay in filing appeals as the appeals were required to be filed and decided by the High Court which is a court to which the provisions of the Limitation Act would automatically apply in view of the provisions of section 29(2). 35. As stated by us in the previous paragraphs, inference of express exclusion can be drawn only in a case where reading the provisions of sections 4 to 24 of the Limitation Act into the special or local laws would result in rendering, some provisions of the special or local law, redundant or otiose or in a case where any of the provisions of Sections 4 to 24 of the Limitation Act are in direct conflict with the provisions of the special or local law. Mere absence of a provision for condonation of delay in Section 23 of the Claims Tribunal Act, or deletion of such a provision would not amount to "express exclusion" of the provisions of Section 4 to 24 of the

Limitation Act, by inference as there is no direct conflict between the provisions of the Limitation Act and the Claims Tribunal Act nor are any of its provisions rendered redundant or otiose on account of the inclusion of the provisions of the Limitation Act. 36. We have also rendered our anxious consideration to the question as to whether the Claims Tribunal Act, can be said to be a complete code in itself dealing with all aspects relating to Limitation or relating to filing and deciding claims including the provisions of limitation in relation to filing of appeals thereby expressly excluding the applicability of the Limitation Act by necessary inference and intendment. An act can be said to be a complete code in respect of all issues relating to limitation or in respect of filing and deciding claims in case it deals with all aspects relating thereto. For instance the Limitation Act, 1963 is a complete code in respect of limitation as it deals with all aspects related thereto; namely, expiry of prescribed period when court is closed (section-4), extension of prescribed period in certain cases (section-5), legal disability (section-6), disability of one of several persons (section-7), special exceptions (section-8), continuous running of time (section-9), exclusion of time in legal proceedings (section-12), exclusion of time in cases where leave to sue or appeal as a pauper is applied for (section-13), exclusion of time of proceedings bona fide in court without jurisdiction (section-14), exclusion of time in certain other cases (section-15) effect of death on or before the accrual of the right to sue (section-16), effect of fraud or mistake (section-17) effect of acknowledgment in writing (section-18), effect of payment on account of debt or of interest on legacy (section-19), effect of acknowledgment or payment by another person (section-20), effect of substituting or adding new plaintiff or defendant (section-21), continuing breaches and torts (section-22), suits for compensation for acts not actionable without special damage (section-23) and computation of time mentioned in instruments (section-24) etc. 37. Section 29(2) of the Limitation Act has been enacted with an object and purpose of incorporating and including all these provisions relating to various aspects of limitation in special or local laws with a condition that these sections would be incorporated and read into a special or local law only to the extent and so far as all or any of them are expressly excluded either statutorily or by necessary intendment and, therefore, the provisions of sections 4 to 24 of the Limitation Act can be deemed to be expressly excluded by inference only in cases where the special or local law is a complete code in itself dealing with all these issues contained in sections 4 to 24 of the Limitation Act or the provisions contained therein specifically exclude their applicability either statutorily or by express intendment on account of the fact that the provisions contrary to and in conflict with the provisions of sections 4 to 24 of the Limitation Act or any of them are contained and incorporated therein. 38. As there is total absence of any provision akin to section 4 to 24 of the Limitation Act in the Railway Claims Tribunal Act 1987 dealing with the procedure and manner of filing appeals before the High Court under section 23 of the Claims Tribunal Act, we are of the considered opinion that the Claims Tribunal Act cannot be held to be a complete code in itself as far as the procedure for filing of and decisions of claims and appeals

arising thereunder as there is no provision similar to Sections 4 to 24 of the Limitation Act relating to filing of appeals under Section 23 of the Claims Tribunal Act nor is there any provision contained therein which could lead to an express or other inference of exclusion of the provisions of the Limitation Act. The conclusion to the contrary arrived at by the learned single Judge in the case of Kunjmati (supra), in our considered opinion is not in accordance with law and is accordingly overruled. 39. We may at this stage also take into consideration the decision of the Supreme Court rendered in the case of Union of India v. Prabhakaran Vijaya Kumar and others, (2008) 9 SCC 527, wherein the provisions of Section 124-A of the Railways Act, 1989 dealing with untoward incident in respect of which claims are required to be filed before the Railway Claims Tribunal constituted under the Claims Tribunal Act for claiming compensation was under consideration. The Supreme Court has held that the provisions are in the nature of Beneficial and Welfare legislation and, therefore, the words used in such a beneficial or welfare statute, even in case they are capable of two constructions, have to be interpreted liberally and have to be accorded a meaning which is more beneficial for the person for whom the Act was made. The manner in which the provisions of untoward incident contained in the Railway Act has to be interpreted has been elaborately laid down by the Supreme Court in paras-12 to 14 in the following terms :- "12. It is well settled that if the words used in a beneficial or welfare statute are capable of two constructions, the one which is more in consonance with the object of the Act and for the benefit of the person for whom the Act was made should be preferred. In other words, beneficial or welfare statutes should be given a liberal and not literal or strict interpretation vide Alembic Chemical Works Co. Ltd. v. The Workmen AIR 1961 SC 647 (para 7), Jeewanlal Ltd. v. Appellate Authority AIR 1984 SC 1842 (para 11), Lalappa Lingappa and others v. Laxmi Vishnu Textile Mills Ltd. AIR 1981 SC 852 (para 13), S.M. Nilajkar v. Telecom Distt. Manager (2003) 4 SCC 27 (para 12) etc. 13. In Hindustan Lever Ltd. v. Ashok Vishnu Kate and others, 1995 (6) SCC 326 this Court observed : "41. In this connection, we may usefully turn to the decision of this Court in Workmen v. American Express International Banking Corporation wherein Chinnappa Reddy, J. in para 4 of the Report has made the following observations : "4. The principles of statutory construction are well settled. Words occurring in statutes of liberal import such as social welfare legislation and human rights" legislation are not to be put in Procrustean beds or shrunk to Lilliputian dimensions. In construing these legislations the imposture of literal construction must be avoided and the prodigality of its misapplication must be recognised and reduced. Judges ought to be more concerned with the "colour", the "content" and the "context" of such statutes (we have borrowed the words from Lord Wilberforce's opinion in Prenn v. Simmonds). In the same opinion Lord Wilberforce pointed out that law is not to be left behind in some island of literal interpretation but is to enquire beyond the language, unisolated from the matrix of facts in which they are set; the law is not to be interpreted purely on internal linguistic considerations. In one of the cases cited before us, that is, Surrender Kumar Verma v. Central Govt. Industrial Tribunal-cum-Labour

Court we had occasion to say : "6. ...Semantic luxuries are misplaced in the interpretation of "bread and butter" statutes. Welfare statutes must, of necessity, receive a broad interpretation. Where legislation is designed to give relief against certain kinds of mischief, the Court is not to make inroads by making etymological excursions. 42. Francis Bennion in his Statutory Interpretation Second Edn., has dealt with the Functional Construction Rule in Part XV of his book. The nature of purposive construction is dealt with in Part XX at p. 659 thus : "A purposive construction of an enactment is one which gives effect to the legislative purpose by- (a) following the literal meaning of the enactment where that meaning is in accordance with the legislative purpose (in this Code called a purposive-and-literal construction), or (b) applying a strained meaning where the literal meaning is not in accordance with the legislative purpose (in the Code called a purposive and strained construction)." At p. 661 of the same book, the author has considered the topic of "Purposive Construction" in contrast with literal construction. The learned author has observed as under : "Contrast with literal construction - Although the term "purposive construction" is not new, its entry into fashion betokens a swing by the appellate courts away from literal construction. Lord Diplock said in 1975 : "If one looks back to the actual decisions of the [House of Lords] on questions of statutory construction over the last 30 years one cannot fail to be struck by the evidence of a trend away from the purely literal towards the purposive construction of statutory provisions". The matter was summed up by Lord Diplock in this way - ...I am not reluctant to adopt a purposive construction where to apply the literal meaning of the legislative language used would lead to results which would clearly defeat the purposes of the Act. But in doing so the task on which a court of justice is engaged remains one of construction, even where this involves reading into the Act words which are not expressly included in it." (emphasis supplied) 14. In our opinion, if we adopt a restrictive meaning to the expression "accidental falling of a passenger from a train carrying passengers" in Section 123(c) of the Railways Act, we will be depriving a large number of railway passengers from getting compensation in railway accidents. It is well known that in our country there are crores of people who travel by railway trains since everybody cannot afford travelling by air or in a private car. By giving a restrictive and narrow meaning to the expression we will be depriving a large number of victims of train accidents (particularly poor and middle class people) from getting compensation under the Railways Act. Hence, in our opinion, the expression "accidental falling of a passenger from a train carrying passengers" includes accidents when a bona fide passenger i.e. a passenger travelling with a valid ticket or pass is trying to enter into a railway train and falls down during the process. In other words, a purposive, and not literal, interpretation should be given to the expression." 40. When the aforesaid law laid down by the Supreme Court is applied for interpreting the provisions of the Claims Tribunal Act which undisputedly is a benevolent, beneficial social welfare legislation and has been enacted for the benefit of claimants it is not permissible or possible to interpret such a beneficial and benevolent legislation restrictively. On the contrary, by adopting the principle

of purposive construction, the provisions have to be interpreted in a manner that would not exclude or non suit genuine claimants specially in cases where they have been prevented by bona fide and sufficient reasons to file an appeal before the High Court within limitation. 41. Any interpretation to the contrary would defeat the object and purpose of the beneficial and welfare legislation, moreso, when this court on the basis of the settled principals of statutory interpretation is required to presume that the legislature while enacting the law was well aware of the fact that the appeal under section 23 to the Claims Tribunal Act had been provided before the High Court for which no specific or separate provisions similar to sections 4 to 24 of the Limitation Act were required to be incorporated as such provisions were deemed to be included in the Claims Tribunal Act by virtue of section 29(2) of the Limitation Act. 42. Before we proceed any further we think it appropriate to take into consideration the law laid down by the Supreme Court in the various decisions placed before us by the learned counsel for the appellant. 43. In the preceding paragraphs we have analysed the provision of the Claims Tribunal Act and have held that there is no statutory provision in the aforesaid act expressly excluding the applicability of Sections 4 to 24 of the Limitation Act. We have also held that the Claims Tribunal Act is not a complete code in itself as far as the procedure for filing appeals is concerned and is absolutely silent in respect of the issues covered by Sections 4 to 24 of the Limitation Act and that there is no provision contained in the Claims Tribunal Act which is in conflict with the provisions of Sections 4 to 24 of the Limitation Act. 44. In view of the aforesaid finding recorded by us, the decisions of the Supreme Court rendered in the cases of Hukumdev Narain Yadav (supra), Singh Enterprises (supra), Consolidated Engineering Enterprise (supra), Chhatisgarh State Electricity Board (supra), M/s. Suryachakra Power Corporation Ltd (supra), Baleshwar Dayal Jaiswal (supra), Patel Brothers (supra), would have no applicability to the facts of the present case inasmuch as in all the aforesaid decisions, the Supreme Court has held that the provisions of Section 29(2) would have no applicability on account of specific statutory provisions contained in the special or local Act which was under consideration before the Supreme Court which excluded the application of Section 29(2) either by express inference or by a specific exclusion on account of existence of conflicting statutory provisions. 45. In the case of Prakash Jain (supra) and M.P. Steel Corporation (supra) the Supreme Court has held that the provision of Section 29(2) are not attracted as the authority which was required to decide the proceedings was not a Court and even otherwise in the case of M.P Steel Corporation (supra) the Supreme Court was dealing with the applicability of Section 14 of the Limitation Act and not with Section 5 of the Limitation Act and, therefore, these judgments also have no applicability to the facts of the present case. 46. In the case of Gopal Sardar (supra) the Supreme Court has held that the provisions of Section 29(2) would not be attracted on account of the fact that the application that was to be filed under the West Bangal Land Reforms Act, 1955 was in the nature of a suit to which the provisions of Section 5 of the Limitation Act would not apply and that the provisions of the West Bangal Land Reforms Act, 1955 contained specific

provisions excluding the applicability of Section 5 of the Limitation Act and was, therefore, a complete code in itself. Similar view has been taken by the Supreme Court in the case of Hongo India Pvt. Ltd. (supra) where the Supreme Court, after extensively analysing the provisions of the Central Excise Act, has held that the Central Excise Act was a complete code in itself dealing with the necessary provisions of limitation as well and, therefore, the provisions of the Limitation Act stood expressly excluded by inference and necessary intendment. The statutory provisions of the Claims Tribunal Act are totally different and, therefore, the aforesaid judgments have no applicability to the present case. 47. As held by us in the preceding paragraphs, the provision of the Claims Tribunal Act are totally different from the ones under consideration before the Supreme Court in the above mentioned cases and, therefore, the law laid down by the Supreme Court in the aforesaid decisions and the observations made therein have no applicability to the issue involved in the present case namely; whether the provisions of Section 29(2) would not be attracted to the Claims Tribunal Act in spite of the fact that there is total absence of any provision expressly or implied excluding the applicability of Sections 2 to 24 of the Limitation Act nor is the Claims Tribunal a complete code in itself as far as dealing with the procedure for filing of appeal is concerned and is in fact a benevolent, beneficial and welfare legislation which has to be construed liberally. 48. On the other hand it is evident that the view taken by us to the effect that the provision of sections 4 to 24 of the Limitation Act would be applicable to the provisions of the Claims Tribunal Act in view of the provision of Section 29(2) of the Limitation Act is in line with and is in accordance with the law laid down by the Supreme Court rendered in the cases of Mangu Ram (supra), Competent Authority Tarana District Ujjain (supra), Mukri Gopalan (supra), Shantilal M. Bhayani (supra), Pallav Sheth (supra) and Anshuman Shukla (supra) and the Full Bench decisions in the cases of Vijay Singh and another (supra), Nihalkaran (supra) and Mohammad Sagir (supra). We, therefore, proceed to examine each one of the aforesaid decisions separately. 49. The decision of the Supreme Court rendered in the case of Mangu Ram (supra) is of great relevance for the purposes of the issue involved for adjudication in the present petition. In the aforesaid case, the Supreme Court has held that the provisions of Section 5 of the Limitation Act would apply for condoning delay in filing an application for special leave against acquittal under Section 417(4) of the Criminal Procedure Code, 1898, even in a case where the law prescribes that no such application, filed after lapse of sixty days from the date of the order of acquittal shall be entertained, as such a stipulation would not lead to the inference or amount to the express exclusion of the provisions of the Limitation Act thereby creating a bar for entertaining any application beyond that period and consequently would not exclude the applicability of Section 5 of the Limitation Act as a mere provision for limitation in howsoever, peremptory or imperative terms is not sufficient to exclude the same. The law laid down by the Supreme Court in paragraph 7 of this judgment is in the following terms. "7. There is an important departure made by the Limitation Act, 1963 insofar as the provision contained in Section 29, sub-section (2), is concerned. Whereas, under

the Indian Limitation Act, 1908, Section 29, sub-section (2), clause (b) provided that for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions of the Indian Limitation Act, 1908, other than those contained in Sections 4, 9 to 18 and 22, shall not apply and, therefore, the applicability of Section 5 was in clear and specific terms excluded, Section 29, sub-section (2) of the Limitation Act, 1963 enacts in so many terms that for the purpose of determining the period of limitation prescribed for any suit, appeal or application by any special or local law the provisions contained in Sections 4 to 24, which would include Section 5, shall apply insofar as and to the extent to which they are not expressly excluded by such special or local law. Section 29, sub-section (2), clause (b) of the Indian Limitation Act, 1908 specifically excluded the applicability of Section 5, while Section 29, subsection (2) of the Limitation Act, 1963, in clear and unambiguous terms, provides for the applicability of Section 5 and the ratio of the decision in Kaushalya Rani case can, therefore, have no application in cases governed by the Limitation Act, 1963, since that decision proceeded on the hypothesis that the applicability of Section 5 was excluded by reason of Section 29(2)(b) of the Indian Limitation Act, 1908. Since under the Limitation Act, 1963 Section 5 is specifically made applicable by Section 29, subsection (2), it can be availed of for the purpose of extending the period of limitation prescribed by a special or local law, if the applicant can show that he had sufficient cause for not presenting the application within the period of limitation. It is only if the special or local law expressly excludes the applicability of Section 5, that it would stand displaced. Here, as pointed out by this Court in Kaushalya Rani case the time limit of sixty days laid down in sub-section (4) of Section 417 is a special law of limitation and we do not find anything in this special law which expressly excludes the applicability of Section 5. It is true that the language of sub-section (4) of Section 417 is mandatory and compulsive, in that it provides in no uncertain terms that no application for grant of special leave to appeal from an order of acquittal shall be entertained by the High Court after the expiry of sixty days from the date of that order of acquittal. But that would be the language of every provision prescribing a period of limitation. It is because a bar against entertainment of an application beyond the period of limitation is created by a special or local law that it becomes necessary to invoke the aid of Section 5 in order that the application may be entertained despite such bar. Mere provision of a period of limitation in howsoever peremptory or imperative language is not sufficient to displace the applicability of Section 5. The conclusion is, therefore, irresistible that in a case where an application for special leave to appeal from an order of acquittal is filed after the coming into force of the Limitation Act, 1963 Section 5 would be available to the applicant and if he can show that he had sufficient cause for not preferring the application within the time limit of sixty days prescribed in subsection (4) of Section 417, the application would not be barred and despite the expiration of the time limit of sixty days, the High Court would have the power to entertain it. The High Court, in the present case, did not, therefore, act without jurisdiction in holding that the application preferred by

the Municipal Corporation of Delhi was not barred by the time limit of sixty days laid down in sub-section (4) of Section 417 since the Municipal Corporation of Delhi had sufficient cause for not preferring the application within such time limit. The order granting special leave was in the circumstances not an order outside the power of the High Court." (underlined by us) In the case of Competent Authority Tarana District Ujjain (supra) in similar circumstances, the Supreme Court held that the provisions of Section 5 of the Limitation Act would apply to the provisions of the M.P. Ceiling on Agricultural Holding Act, 1960, in view of the provisions of Section 29(2) of the Limitation Act, upholding the view taken by a Full Bench of this Court in similar terms, in the case of Vijay Singh (supra). 50. The decision of the Supreme Court rendered in the case of Mukri Gopalan (supra) involved the interpretation of the provisions of the Kerala Buildings (Lease and Rent Control) Act, which contained Section 18 relating to the filing of an appeal before the District Judge. The legal situation before the Supreme Court in the case of Mukri Gopalan (supra) was quite similar to the one existing in the present case inasmuch as the unamended provision of Section 18 of the Kerala Act, contained the provision of condoning the delay in filing appeals, however, subsequently when the Act was amended after coming into existence of the amended provisions of Section 29(2) of the Limitation Act in the year 1963, the provision under section 18 of the Kerala Act giving power to the District Judge to condone delay in filing the appeal was deleted, as is the situation in respect of the Claims Tribunal Act. The Supreme Court has held that the provisions of section 4 to 24 of the Limitation Act stood expressly included and telescoped into the provision of the Kerala Act in view of the provisions of Section 29(2) of the Limitation Act in spite of the deletion of the provisions relating to condoning delay in filing appeals in the following terms :- "9. If the aforesaid two requirements are satisfied the consequences contemplated by Section 29(2) would automatically follow. These consequences are as under : (i) In such a case Section 3 of the Limitation Act would apply as if the period prescribed by the special or local law was the period prescribed by the Schedule. (ii) For determining any period of limitation prescribed by such special or local law for a suit, appeal or application all the provisions containing Sections 4 to 24 (inclusive) would apply insofar as and to the extent to which they are not expressly excluded by such special or local law. 10. to 13. xxx xxx xxx 14. In view of the aforesaid provision of Section 29(2) as found in Indian Limitation Act, 1908, Section 5 would not have applied to appellate authorities constituted under Section 18 as Section 5 would not get attracted as per the then existing Section 29(2) of Indian Limitation Act, 1908 which did not include Section 5 as one of the provisions to be applied to such special or local laws. That appears to be the reason why during the time when the Limitation Act, 1908 was in force, the Rent Act of 1959 which is the forerunner of present Rent Act of 1965 contained a provision in Section 31 of that Act which read as under : "31. Application of the Limitation Act.- The provisions of Section 5 of the Indian Limitation Act, 1908 (9 of 1908), shall apply to all proceedings under this Act;" 15. After repealing of Indian Limitation Act, 1908 and its replacement by the present Limitation Act of

1963 a fundamental change was made in Section 29(2). The present Section 29(2) as already extracted earlier clearly indicates that once the requisite conditions for its applicability to given proceedings under special or local law are attracted, the provisions contained in Sections 4 to 24 both inclusive would get attracted which obviously would bring in Section 5 which also shall apply to such proceedings unless applicability of any of the aforesaid sections of the Limitation Act is expressly excluded by such special or local law. By this change it is not necessary to expressly state in a special law that the provisions contained in Section 5 of the Limitation Act shall apply to the determination of the periods under it. By the general provision contained in Section 29(2) this provision is made applicable to the periods prescribed under the special laws. An express mention in the special law is necessary only for any exclusion. It is on this basis that when the new Rent Act was passed in 1965 the provision contained in old Section 31 was omitted. It becomes therefore apparent that on a conjoint reading of Section 29(2) of Limitation Act of 1963 and Section 18 of the Rent Act of 1965, provisions of Section 5 would automatically get attracted to those proceedings, as there is nothing in the Rent Act of 1965 expressly excluding the applicability of Section 5 of the Limitation Act to appeals under Section 18 of the Rent Act." (underlined by us) 51. We may hasten to add that we have already taken note of the fact that the decision in the case of Mukri Gopalan (supra) as far as it held that the provisions of the Limitation Act would also apply to Tribunal's has not been held to be in conformity with the other Larger Bench decisions of the Supreme Court in the case of M.P. Steel Corporation (supra) wherein it has been held that the provisions of the Limitation Act only apply to courts. However, as far as the view taken by the Supreme Court in the case of Mukri Gopalan (supra) relating to applicability of section 29(2) of the Act in concerned, the same has not been deferred with. 52. In the case of Shantilal M. Bhayani (supra) the Supreme Court has held that the provisions of Section 5 of the Limitation Act would apply to appeals filed before the appellate authority under the provisions of the T.N. Buildings (Lease and Rent Control) Act, 1960, in view of the provisions of Section 29(2) of the Limitation Act as the provision of Section 5 of the Limitation Act was not expressly excluded thereunder. 53. A Three Judge Bench of the Supreme Court, in the case of Anshuman Shukla (supra), while dealing with the provisions of the M.P. Madhyastam Adhikaran Adhimniyam, 1983, was required to answer the following question referred to it which is identical to the one referred to us :- "Whether the provisions of Section 5 of the Limitation Act is applicable to revision filed under section 19 in the High Court ?" 54. The Three Judges Bench of the Supreme Court, while answering the reference in the affirmative, took into consideration the fact that the unamended provision of Section 19 of the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983, with which the Court was dealing, has opposed to the subsequently amended provision, did not contain any provision for condonation of delay, and therefore, in view of the provisions of Section 29(2) of the Limitation Act, 1963 Sections 4 to 24 of the Limitation Act and consequently Section 5 would be applicable. The relevant discussion in this regard in the

aforesaid judgment wherein several previous judgments were considered and discussed, is in the following terms :- "21. The Limitation Act, 1963 is the general legislation on the law of limitation. Section 5 of the Limitation Act provides that an appeal may be admitted after the limitation period has expired, if the appellant satisfies the court that there was sufficient cause for delay. 22. Section 29 of the Limitation Act is the saving section. Sub-section (2) reads as follows : "29. (2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of Section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in Sections 4 to 24 (inclusive) shall apply only insofar as, and to the extent to which, they are not expressly excluded by such special or local law." Sub-section (2) thus, provides that Sections 4 to 24 of the Limitation Act shall be applicable to any Act which prescribes a special period of limitation, unless they are expressly excluded by that special law. 23. This Court in *Mukri Gopalan v. Cheppilat Puthanpurayil Aboobacker* [(1995) 5 SCC 5] examined the question of whether the Limitation Act will apply to the Kerala Buildings (Lease and Rent) Control Act, 1965. While holding that the appellate authority under the Kerala Act acts as a court, it was held that since the Act prescribes a period of limitation, which is different from the period of limitation prescribed under the Limitation Act, and there is no express exclusion of Sections 4 to 24 of the Limitation Act, in the above Lease and Rent Control Act, thus, those sections shall be applicable to the Kerala Act. 24. While examining the provisions of Section 29(2) of the Limitation Act, it was observed : (*Mukri Gopalan case* [(1995) 5 SCC 5], SCC p. 15, para 8) "8. ... A mere look at the aforesaid provision shows for its applicability to the facts of a given case and for importing the machinery of the provisions containing Sections 4 to 24 of the Limitation Act the following two requirements have to be satisfied by the authority invoking the said provision : (i) There must be a provision for period of limitation under any special or local law in connection with any suit, appeal or application. (ii) The said prescription of period of limitation under such special or local law should be different from the period prescribed by the Schedule to the Limitation Act." It was further held that if the above two conditions are satisfied, then the following implications would follow : (*Mukri Gopalan case* [(1995) 5 SCC 5], SCC pp. 15-16, para 9) "9. If the aforesaid two requirements are satisfied the consequences contemplated by Section 29(2) would automatically follow. These consequences are as under : (i) In such a case Section 3 of the Limitation Act would apply as if the period prescribed by the special or local law was the period prescribed by the Schedule. (ii) For determining any period of limitation prescribed by such special or local law for a suit, appeal or application all the provisions containing Sections 4 to 24 (inclusive) would apply insofar as and to the extent to which they are not expressly excluded by such special or local law." (emphasis supplied) 25. Further, in *Hukumdev Narain Yadav v. Lalit Narain Mishra* [(1974) 2 SCC 133], a three-Judge Bench of this Court, while examining

whether the Limitation Act would be applicable to the provisions of the Representation of the People Act, observed as under : (SCC p. 146, para 17) "17. ... but what we have to see is whether the scheme of the special law, that is in this case the Act, and the nature of the remedy provided therein are such that the legislature intended it to be a complete code by itself which alone should govern the several matters provided by it. If on an examination of the relevant provisions it is clear that the provisions of the Limitation Act are necessarily excluded, then the benefits conferred therein cannot be called in aid to supplement the provisions of the Act. In our view, even in a case where the special law does not exclude the provisions of Sections 4 to 24 of the Limitation Act by an express reference, it would nonetheless be open to the Court to examine whether and to what extent the nature of those provisions or the nature of the subject-matter and scheme of the special law exclude their operation." 26. According to *Hukumdev Narain Yadav* [(1974) 2 SCC 133], even if there exists no express exclusion in the special law, the Court reserves the right to examine the provisions of the special law, and arrive at a conclusion as to whether the legislative intent was to exclude the operation of the Limitation Act. Section 19 of the 1983 Act prescribes a period of limitation of three months. This limitation period finds no mention in the Schedule to the Limitation Act. Further, Section 19 does not expressly exclude the application of Sections 4 to 24 of the Limitation Act, 1963. 27. and 28. xxx xxx xxx 29. We now direct our attention to the second case i.e. *Union of India v. Popular Construction*, (2001) 8 SCC 470] on which reliance was placed by this Court while dismissing the special leave petition in [*Nagar Palika Parishad, Morena v. Agrawal Construction Co.*, SLP (C) No. 21349 of 2003, order dated 27-8-2004 (SC) : (2004) 2 MPJR (SN) 374]. The issue therein was whether Sections 4 to 24 of the Limitation Act would be applicable to Section 34 of the Arbitration Act, 1996. The wording of Section 34(3) of the Arbitration Act, 1996, reads thus : "34. (3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award or, if a request had been made under Section 33, from the date on which that request had been disposed of by the Arbitral Tribunal : Provided that if the court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter." (emphasis supplied) 30. While examining the provision of Section 34, the Court in *Popular Construction* case [*Union of India v. Popular Construction Co*, (2001) 8 SCC 470] observed as under : (SCC pp. 473-74, para 8) "8. Had the proviso to Section 34 merely provided for a period within which the court could exercise its discretion, that would not have been sufficient to exclude Sections 4 to 24 of the Limitation Act because "mere provision of a period of limitation in howsoever peremptory or imperative language is not sufficient to displace the applicability of Section 5" [Ed. : As observed in *Mangu Ram v. MCD*, (1976) 1 SCC 392 at p. 397, para 7 : 1976 SCC (Cri) 10.]. (emphasis supplied) 31. While holding that Section 5 is not applicable to Section 34(3) of the Arbitration Act, it was held that the

presence of the words "but not thereafter" operate as an express exclusion to Section 5 of the Limitation Act : (Popular Construction case [Union of India v. Popular Construction Co., (2001) 8 SCC 470], SCC pp. 474-75, para 12) "12. As far as the language of Section 34 of the 1996 Act is concerned, the crucial words are "but not thereafter" used in the proviso to sub-section (3). In our opinion, this phrase would amount to an express exclusion within the meaning of Section 29(2) of the Limitation Act, and would therefore bar the application of Section 5 of that Act. Parliament did not need to go further. To hold that the court could entertain an application to set aside the award beyond the extended period under the proviso, would render the phrase "but not thereafter" wholly otiose. No principle of interpretation would justify such a result." (emphasis supplied)

32. Section 19 of the 1983 Act does not contain any express rider on the power of the High Court to entertain an application for revision after the expiry of the prescribed period of three months. On the contrary, the High Court is conferred with suo motu power, to call for the record of an award at any time. It cannot, therefore, be said that the legislative intent was to exclude the applicability of Section 5 of the Limitation Act to Section 19 of the 1983 Act. 33. In our opinion, it is unnecessary to delve into the question whether the Arbitral Tribunal constituted under the Act is a court or not for answering the issue in the present case as the delay in filing the revision has occurred before the High Court, and not the Arbitral Tribunal." 55. In the case of Kartick Chandra Das (supra) in a similar situation as exists in the present case, the Supreme Court has held that the provisions of the Limitation Act, shall apply to the provisions of the Contempt of Court's Act in view of the provisions of Section 29(2) of that Act and while doing so has held as under in paras 6 and 7 :- "6. Section 29 of the Limitation Act envisages "Savings". Sub-section (2) thereof reads thus : "29. (2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of Section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in Sections 4 to 24 (inclusive) shall apply only insofar as, and to the extent to which, they are not expressly excluded by such special or local law." 7. In consequence, by operation of Section 29(2) read with Section 3 of the Limitation Act, limitation stands prescribed as a special law under Section 19 of the Contempt of Courts Act and limitation in filing Letters Patent appeal stands attracted. In consequence, Sections 4 to 24 of the Limitation Act stands attracted to Letters Patent appeal insofar as and to the extent to which they are not expressly excluded either by special or local law. Since the rules made on the appellate side, either for entertaining the appeals under clause 15 of the Letters Patent or appeals arising under the contempt of courts, had not expressly excluded, Section 5 of the Limitation Act becomes applicable. We hold that Section 5 of the Limitation Act does apply to the appeals filed against the order of the learned Single Judge for the enforcement by way of a contempt. The High Court, therefore, was not right in holding that Section 5 of the Limitation Act

does not apply. The delay stands condoned. Since the High Court had not dealt with the matter on merits, we decline to express any opinion on merits. The case stands remitted to the Division Bench for decision on merits." 56. Similar view in similar circumstances as of the present case has been taken by the Supreme Court in the case of Pallav Sheth (supra) in respect of the provisions of the Contempt of Courts Act, after relying on the decision in the case of Kartick Chandra Das (supra). 57. We are also fortified and find support from the three Full Bench decisions of this Court rendered in the case of Vijay Singh and another (supra), Nihalkaran (supra) and Mohammad Sagir (supra). 58. As referred to earlier, the Full Bench decision of this Court in the case Ram Singh (supra), applying the provisions of the Limitation Act to ceiling proceedings has been affirmed and confirmed by the Supreme Court in the case of Competent Authority Tarana District Ujjain (supra). 59. In the case of Nihalkaran (supra), a question similar to the present one, as to whether Section 5 of the Limitation Act applied to an application filed under Section 27(3) of the Wealth Tax Act, 1957 when there is no express provision contained in the Wealth Tax Act excluding the operation of Section 5 of the Limitation Act, was referred to the Larger Bench for decision and the Full Bench, after considering the provisions of Section 29(2) of the Limitation Act as well as the Wealth Tax Act and after taking into consideration the decision of the Supreme Court rendered in the case of Hukumdev Narain Yadav (supra), answered the question in the affirmative and held that the provisions of Section 5 of the Limitation Act would apply to an application filed under Section 27(3) of the Wealth Tax Act in the following terms :- "5. Having heard the learned counsel for the parties and considered the case on which reliance was placed by them, we are of the opinion that there is intrinsic evidence in the Legislative history of Section 27 of the Act itself to indicate that Section 5 of the Limitation Act would apply to an application under Section 27(3) of the Act. In this connection we may point out that Section 27 of the Act, as it stood prior to its amendment by the Amendment Act No. 46 of 1964, which came into effect from 1-4-1965, had nine subsections. By the said Amendment Act No. 46 of 1964, sub-section (8) and (9) were deleted. Sub-section (9) so deleted read as hereunder : "Section 5 of the Indian Limitation Act, 1908, shall apply to an application to the High Court under this section." The term "application to the High Court under this section" contained in sub-section (9) aforesaid obviously referred to the application contemplated by Section 27(3) of the Act. The reasons for deletion of subsection (9) of Section 27 are to be found in the Statement of Objects and Reasons and the Notes on clauses of Wealth-tax (Amendment) Act, 1964. The relevant clause indicating reasons for deleting Section 27(9) of the Wealth-tax Act runs as follows : "sub-section (9) having become redundant has been deleted." It is thus clear that the reason for deleting subsection (9) was not that the Parliament was of the view that Section 5 of the Limitation Act should not be applied to an application under Section 27(3) of the Act but the reason was that the said sub-section (9) had become redundant. We have, therefore, to find out as to why sub-section (9) had become redundant. The Indian Limitation Act, 1908, was substituted by the Indian

Limitation Act, 1963 which came into force from January 1, 1964. Section 29(2) of the Limitation Act is the relevant section with the aid of which Section 5 of the Limitation Act is now sought to be applied to an application under Section 27(3) of the Act. This Section 29(2) as it stood in the Indian Limitation Act, 1908 contemplated that Sections 4, 9 to 18 and 22 would apply to a special or local law only in so far as and to the extent to which they were not expressly excluded by the said special or local law and the remaining provisions of the Limitation Act, 1908 would not apply. In view of Section 29(2) of the Indian Limitation Act, 1908, Section 5 of that Act did not apply to a special or local law and whenever it was considered necessary to apply the provisions of Section 5 of the Limitation Act to a special or local law, specific provision used to be made under the relevant special or local law. The Wealth Tax Act was enacted in the year 1957 and the Indian Limitation Act, 1908 was then in force. Consequently, unless Section 5 of the Limitation Act was made specifically applicable to an application under Section 27(3) of the Act, it would not have been applicable with the aid of Section 29(2) of the Limitation Act as it stood in the 1908 Act. It is apparent that Parliament intended to apply Section 5 of the Limitation Act to an application under Section 27(3) of the Act and it was to give effect to this intention that subsection (9) was incorporated in Section 27 of the Act making Section 5 of the Indian Limitation Act, 1908 applicable to an application to the High Court under Section 27(3) of the Act." 60. In the case of Mohd. Sagir (supra) a Full Bench of this Court while considering a similar issue relating to the provisions of the M.P. Industrial Relations Act, 1960 and considering the fact that it was a beneficial legislation, held that the provisions of Section 5 of the Limitation Act were applicable for condoning the delay in filing an application before the Labour Court under Section 62 of the M.P. Industrial Relations Act, in view of Section 29(2) of the Act. In the aforesaid decision, the Full Bench, by relying on the decision of the Supreme Court rendered in the case of Mangu Ram (supra), the Full Bench decision of this Court in case of Mukri Gopalan (supra), Nihalkaran (supra), Sarojini Tea Corporation Pvt. Ltd. v. Collector of Dibrugarh, Assam and another AIR 1992 SC 1264 and Kartick Chandra Das (supra), held that the provisions of Section 5 of the Limitation Act would be applicable as the MP Industrial Relations Act is a benevolent and beneficial statute and did not expressly exclude the provisions of the Limitation Act, therefore, in the absence of a categorical unequivocal mandate by the legislature, it would not be appropriate to render an employee remediless, in case he was prevented from approaching the Labour Court within limitation on account of bona fide sufficient reasons, in the following terms :- "25. From the aforesaid decisions, it is clear as day that if a different period of limitation is provided under the special law and there is no express exclusion the provisions of Limitation Act, 1963 sections 4 to 24 (both inclusive) would apply. Keeping the aforesaid guidance in view, section 62 of the MPIR Act has to be scanned. The aforesaid provision stipulates that the proceedings before a Labour Court shall be commenced within certain period depending upon the nature of dispute. The said provision definitely provides a different period of limitation. There can be no scintilla of doubt that it is a special law inasmuch as

the Act has been brought into existence to regulate the matters relating to employees and employers in certain matters to make provisions of settlement of industrial disputes and to provide for certain other matters connected therewith. The hub of the matter is whether the language in which section 62 has been couched would admit of a construction that there is exclusion of the provisions of Limitation Act. In the case of Mangu Ram (supra), Their Lordships have stated the mere provision of a period of limitation howsoever peremptory or imperative is not sufficient to displace the applicability of section 5. The word "shall be commenced", in our considered view, cannot be allowed to be construed that there is an exclusion of the applicability of the Limitation Act. In the case of Mohd. Ashfaq (supra) an interesting facet is notable. In the said case Their Lordships were dealing with sub-section (3) of section 58 of the special statute which provided that the Regional Transport Authority could condone delay in making of an application for renewal and entertain it on merits provided the delay is of not more than 15 days. In that context, the Apex Court held that if an application for renewal is beyond more than 15 days, the Regional Transport Authority would not be entitled to entertain it, meaning thereby, it would have no power to condone it. Similarly, we may refer to section 166 of the Motor Vehicles Act, 1988. Initially, the said provision stipulated that an application before the Tribunal could be filed within a period of six months from the date of the accident and the Tribunal would have power to entertain not later than twelve months if sufficient cause is shown. When a statute uses language which is absolutely and unequivocally express and clear the Courts are to interpret that section 5 of the Limitation Act is not attracted. It is because the special legislation becomes a complete Code qua limitation. Nothing beyond it is perceivable. The provisions with which we are concerned do not state so. We say so as the applicability of section 17 of the Limitation Act does not by necessary incorporation or by couching of the provision as has been done in the case of Mangu Ram (supra) would totally obliterate the applicability of section 5 of the Limitation Act. This being a special law, section 17 has been incorporated. The Legislature has not stated with regard to the exclusion of sections 4 to 24. The language used in the provision is that the provisions of section 17 of the Limitation Act, 1963 would apply for computing limitation under this section. It is not couched in the negative. There has to be a conceptual shift when the language is couched in a negative manner. It would not be proper to state that because section 17 has been made applicable, the legislature intended to exclude all other provisions. Section 29(2) on the contrary only postulates twin requirements. Those twin ingredients are satisfied in this case. Therefore, the said provision gets attracted, more so, in the absence of any kind of exclusionary clause or negative encapsulation in a different manner. That apart, the use of the word "shall not" under section 5 of the Adhiniyam would not ostracize the applicability of the Limitation Act. 26. to 28. xxx xxx xxx 29. We have quoted the aforesaid judgment because in the aforesaid statute the fate of a workman is decided. The MPIR Act is a benevolent and beneficial statute. In the absence of a categorical and unequivocal mandate by the Legislature it would not be appropriate to state

that a claim of an employee would be thrown over board as he had not approached the Labour Court within the time frame. True, it is the doctrine of delay and laches would be attracted but that is in a different compartment and that does not necessarily mean, in the absence of such language used in the provision, the application preferred by the employee is not entertain able beyond the stipulated period as provisions of Limitation Act including section 5 are not attracted. We may hasten to state that the inference with regard to limitation, in our view, is not permissible. A provision relating to limitation is a technical one and has to be technically construed and there cannot be a liberal interpretation. We are conscious of the same but simultaneously when technically the provision has not excluded the applicability of the Limitation Act or not put the provisions in such a way constricting or restricting the power of the Labour Court to condone the delay as has been done in the case of Mohd. Ashfaq (supra), we have no hesitation in holding that the Act applies." 61. From a perusal of the decision of the Supreme Court rendered in the cases of Mangu Ram (supra), Competent Authority Tarana District Ujjain (supra), Mukri Gopalan (supra), Shantilal M. Bhayani (supra), Pallav Sheth (supra) and Anshuman Shukla (supra) and the Full Bench decisions in the cases of Vijay Singh and another (supra), Nihalkaran (supra) and Mohammad Sagir (supra) which we have extensively considered in the preceding paragraphs, it is apparent that in cases where the special or local law like the Claims Tribunal Act, after providing a period of limitation for filing appeals is silent in all other aspects, is not a complete code in itself, contains no provision which is in direct conflict with any of the provisions of Sections 4 to 24 of the Limitation Act and is a beneficial legislation, the provisions of Section 4 to 24 of the Limitation Act are attracted in view of the provision of Section 29(2) of the Limitation Act and therefore, the view taken by us and the opinion expressed by us in the preceding paragraphs is in accordance with the law laid down by the Supreme Court and the Full Bench of this Court in this regard. 62. Before we record our opinion, we think it appropriate to take into consideration the decision of the Supreme Court rendered in the case of Hukum Dev Singh (supra) and Hongo India Pvt. Ltd. (supra) as the aforesaid two decisions were considered, reproduced and relied upon by the learned Single Judge in the case of Smt. Kunjmati (supra) to arrive at a conclusion that the provisions of the Limitation Act would apply. 63. In the case of Hukumdev Narain Yadav (supra) the Supreme Court, after examining the scheme of the Representation of the People Act, which mandatorily provided for filing of an Election Petition within a specified time and also provided for a Penal Clause for dismissal of the Election Petition in case of not filing the same within the specified time and quoting paragraph 14 of the judgment in the case of K. Venkateswara Rao and another v. Bekkam Narasimha Reddi and others, AIR 1969 SC 872, held that under the scheme of the Representation of the People Act, delay in filing an Election Petition could not be condoned on account of the mandatory provisions contained therein moreso as the Representation of the People Act was a complete code in itself by following the decision in the case of K. Venkateswara Rao (supra), is in the following terms :- "19.The

observations that the provisions of the Act are a self-contained code were also made in the case of Venkateswara Rao referred to earlier. In that case, in a trial of an election petition after the issues were framed the appellants made an application to the Court for impleading one "R" but it was dismissed. The first respondent then filed an application under Section 86(1) praying for the dismissal of the election petition on the ground that there had been non-compliance with Section 82(b) of the Act inasmuch as "R" against whom corrupt practise had been alleged had not been made a party. The appellants filed an application seeking to withdraw the allegation against "R" and in the alternative to implead him as a respondent. It was also prayed that delay in making the application may be condoned. The learned Judge of the High Court trying the election petition dismissed the aforesaid applications and refused to condone the delay. One of the contentions urged in the appeal was that Section 5 and Section 29(2) of the Limitation Act, 1963, were applicable to the case and the High Court and this Court had power to condone the delay made by the election petitioner in impleading a necessary party. This plea was rejected. Mitter, J., delivering the judgment of this Court for himself and Hidayatullah, C.J., after examining the relevant provisions of the Act in detail at pp. 682-686 observed at pp. 686-687 : "It is well settled that amendments to a petition is a civil proceeding and the addition of parties to such a proceeding are generally possible subject to the law of limitation. But an election petition stands on a different footing. The trial of such a petition and the powers of the court in respect thereof are all circumscribed by the Act. The Indian Limitation Act of 1963 is an Act to consolidate and amend the law of limitation of suits and other proceedings and for purposes connected therewith. The provisions of this Act will apply to all civil proceedings and some special criminal proceedings which can be taken in a court of law unless the application thereof has been excluded by any enactment : the extent of such application is governed by Section 29(2) of the Limitation Act. In our opinion however the Limitation Act cannot apply to proceedings like an election petition inasmuch as the Representation of the People Act is a complete and self-contained code which does not admit of the introduction of the principles or the provisions of law contained in the Indian Limitation Act." 64. In the case of Hongo India Pvt. Ltd. (supra) the Supreme Court after analysing the provisions of the Central Excise Act, 1944 including Section 35-H (unamended), has held that the provisions of the Central Excise Act is a complete code in itself as the provisions contained therein clearly and specifically incorporate all the necessary provisions relating to limitation as and where required and exclude the same when they are not required to be incorporated. On analysing the provisions of the Central Excise Act, which is a taxing statute and has to be construed and interpreted differently than a beneficial and welfare legislation, has held that in view of the provisions contained in the Excise Act applicability of the Limitation Act specifically Section 5 of the Limitation Act stood expressly excluded by necessary intendment and inference as the Central Excise Act was a complete code in itself. 65. We are of the considered opinion that the decision of the Supreme Court rendered in the case of Hukum Dev Singh (supra) and Hongo

India Pvt. Ltd. (supra), which has been subsequently applied and affirmed in Chaudarana Steels Private Ltd. (supra), do not apply and in fact could not have been applied for the purposes of interpreting the provisions of the Claims Tribunal Act, on account of the fact that the Claims Tribunal's Act is a beneficial welfare legislation and is not a complete code in itself in respect of prescribing and providing the entire procedure for filing an appeal before the High Court nor is there any provision contained in the Claims Tribunal Act which would compel us to arrive at a conclusion that the provisions of the Limitation Act are expressly excluded by inference or necessary intendment as was the case in the case of Hukum Dev Singh (supra) and Hongo India Pvt. Ltd. (supra) and, therefore, we have no hesitation in stating that the learned Single Judge in the case of Smt. Kunjmati (supra) has wrongly relied upon the aforesaid decisions to interpret the provisions of the Claims Tribunal Act and arrive at a contrary conclusion. 66. To summarize, it is stated that in the absence of any specific exclusion of the provisions of Sections 4 to 24 of the Limitation Act, either in the form of a specific provision or by necessary intendment or inference in the Claims Tribunal Act which is not a complete code in itself, specifically in view of the fact that the provisions of sections 4 to 24 are not directly or indirectly in conflict with any provisions relating to filing of an appeal before the High Court contained in the Claims Tribunal Act nor do the provisions of sections 4 to 24 of the Limitation Act render any provision relating to the filing of an appeal contained in the Claims Tribunal Act otiose or redundant, the provisions of section 5 of the Limitation Act would apply to the filing of an appeal under section 23 of the Claims Tribunal Act by virtue of the provisions of section 29(2) of the Act. 67. We are also of the considered opinion that reading the provisions of section 4 to 24 of the Limitation Act in terms of section 29 (2) of the Limitation Act into the provisions of the Claims Tribunal Act, which we have held is not a complete code in itself, would in fact further the object and purpose for enacting the Claims Tribunal Act which is a benevolent beneficial and welfare legislation and is enacted with the avowed purpose of providing adequate and speedy remedy for decision in respect of claims arising out of untoward incidents and railway accidents and other disputes. 68. In the light of the above discussion we hold that the decision of the learned single Bench in the case of Kunjmati (supra) does not lay down the correct proposition of law and is accordingly overruled and in answer to the question referred to us we state that in view of Section 29(2) of the Limitation Act, the provisions of section 5 of the Limitation Act is included in and has to be read into the provisions of the Claims Tribunals Act as it has not been expressly excluded therefrom either by a specific statutory provision or by necessary intendment or inference and, therefore, the High Court has the power to condone the delay in filing an appeal filed under Section 23 of the Claims Tribunal Act in exercise of powers under Section 5 of the Limitation Act, on sufficient cause being shown by an appellant. 69. The reference made to this court is answered accordingly. 70. The matter may now be placed before the Regular Bench for adjudication in terms of and in accordance with the answer to the reference given by us. Reference answered.