**Delay defeats equities**

This maxim means “Equity aids the vigilant and not the indolent.” If one sleeps upon his rights, his rights will slip away from him and therefore this maxim is expressed. If someone has any right, he must come to Court for remedy within stipulated time period as laid down in the law. If he comes within fixed time period, then his right would be recognized and enforced. Delay in claim defeats right. There are two types of delays. One is explainable and other one is not explainable. If the case is referred toward the concerned authority and they have retained the case, which caused delay, it is explainable and does not defeat the right.

The Limitation Act , 1908  
**Section 3:** (Dismissal of suits instituted after period of limitation)  
Every suit instituted, appeal preferred, and application made, after the period of limitation (prescribed therefor by the first schedule) shall be dismissed, although limitation has not been set up as a defense.

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| **Name of Suit** | **Period of limitation** |
| 1. Recover possession of immoveable property | Within 6 months from the dispossession |
| 2. For the wage of laborer | Within 1 years from the due date |
| 3. For compensation for false imprisonment | Within 1 year from when the imprisonment ends |
| 4. Appeal against death penalty | Within 7 days from the date of the sentence |
| 5. Appeal (Under the CPC) to the Court of District Judge | Within 30 days from the date of the decree or order |
| 6. Appeal (Under the CPC) to the High Court Division | Within 90 days from the date of the decree or order |

Section: 5 (Extension of period in certain cases)  
Any appeal or application for a revision or a review of judgment or for leave to appeal may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

**1. Doctrine of Laches:**  
Delay which is sufficient to prevent a party from obtaining an equitable remedy is technically called “Laches”. Thus legal claims are controlled by statutes of limitation and equitable claims may be controlled not only by limitation law but also by unreasonable delay/laches.  
Where a long time has elapsed, even beyond the statutes of limitation, and the plaintiff has never insisted upon his rights and therefore doctrine of laches applied.

***Allcard v Skinner [1887]***  
**Facts**  
The Plaintiff (Miss Allcard) joined a religious sisterhood, and subsequently transferred all of her assets to the sisterhood for social welfare under a will.  
When Miss Allcard left the Sisterhood about eight years later she immediately revocked her will but waited a further 6 years before commencing an action to recover what was left of the money given to the Sisterhood.  
**Issue:**  
Whether the plaintiff is entitled to set asside the will and recover the property?  
**Decision:**  
The appeal was heard by a bench of 3 Justices:  
1. Justice Colton (He was on the opinion that in regards to the property which was still in the hands of the donee, the plaintiff could recover the Property)  
2. Justice Lindley (He was of the opinion that the plaintiff’s inaction for 6 years after she left the Sisterhood indicated her intention to confirm the gift. Doctrine of laches thus disentitled her from claiming the property)  
3. Justice Bowen (He agreed with Justice Lindley)  
It was held that if the plaintiff had sued to recover the amount of her gifts which had not been expended on the fulfillment of the purpose of the Sisterhood at an earlier date she would have succeeded on the ground of undue influence, but it was her inactions that barred her claim by laches. The transaction was unusually large as to be accounted for, the lapse of time barred the claim from succeeding.

**2. Doctrine of Acquiescence**  
In Ramsden vs Dyson (1866), Lord Cranworth explained the doctrine as “If a stranger begins to build a on my land supposing it to be his own, and I, perceiving his mistake, abstain from claiming my right and leave him to persevere his error, a court of equity will not allow me afterwards to asserts my title to the land on which he has expended money on the supposition that the land was his own.”

Limitation  
This maxim does not apply when:  
(i) where the law of limitation expressly applies  
(ii) where it applies by analogy, and  
(iii) where the law of limitation does not apply but the cases are governed by ordinary rules of laches.