

# The Public Wakfs (Extension of Limitation) Act, 1959

February 18, 2013

## NO. 29 OF 1959

**[1st September, 1959]**

An Act to extend the period of limitation in certain cases for suits to recover possession of immovable property forming part of public wakfs.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:-

## 1. Short title and extent.

(1) This Act may be called the Public Wakfs (Extension of Limitation) Act, 1959.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

## 2. Definition.

In this Act, "Public Wakf" means the permanent dedication by a person professing Islam of any immovable property for any purpose recognised by Muslim Law as a public purpose of a pious, religious or charitable nature.

## 3. Extension of period of limitation in certain cases for suits to re over possession of immovable property forming part of public wakfs.

Where a person entitled to institute a suit of the description referred to in article 142 or article 144 of the First Schedule to the Indian Limitation Act, 1908, for possession of any immovable property forming part of a public wakf or any interest therein has been dispossessed, or has discontinued the possession, at any time after the 14th day of August, 1947, and before the 7th day of May, 1954, or, as the case may be, the possession of the defendant in such a suit has become adverse to such person at any time during the said period, then, notwithstanding anything contained in the said Act, the period of limitation in respect of such a suit shall extend up to the 15th day of August, 1967.

## 4. Repeal and saving.

(1) The Public Wakfs (Extension of Limitation) Ordinance, 1959 (2 of 1959), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the 20th day of July, 1959.
