

General Clauses Act 1897 s 10 - Computation of time

(1) Where, by any Central Act or Regulation made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open:

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1877 (15 of 1877), applies.

(2) This section applies also to all Central Acts and Regulations made on or after the fourteenth day of January, 1887.

SYNOPSIS

Prescribed period expiring on holiday

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For the section to apply all that is requisite is the there should be a period prescribed, and that period should expire on a holiday. The principle enacted in the section is a beneficent one and its operation cannot be negative on unsubstantial grounds. It has been held to apply to proceedings under the Representation of the People Act, 1951. ^{^1}

¹ Harinder Singh v S Karnail Singh, AIR 1957 SC 271 cited in Singh 2021 p 823

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**Court open but judge not sitting** - But a court cannot be said to be closed if the office is open to entertain appeals and application even though judges of the court are not sitting.<sup>^2</sup>

**Court closed before scheduled time** - The section will apply when the court for some reason does not on a particular day sit after 3.15 pm, though the normal working hours are till 4.15 pm, for in such a case it can be said that the court on that day was closed after 3.15 pm.<sup>^3</sup>

**Day and court's schedule** - An election petition was presented to the designated judge of the high court at 4.25 pm on 27 August 2003 the last date of limitation, 10 minutes after the judge had risen from the open court but was available in his chambers within the court premises. The judge refused to entertain it as the court hours expired at 4.15 pm. The petition was then presented to the judge on 28 August 2003 in open court. It was dismissed as barred by limitation. The Supreme Court reversed this decision on the reasoning that the period of limitation according to section 81 of the Representation of the People Act, 1951 expired on the 4th “day” from the date of election; the “day in its ordinary meaning which has to be assigned to it when there is no contrary context, meant midnight to midnight; the election petition could have been presented up to the midnights falling between 27 August 2003 and 28 August 2003 and rules of the high court are rules of procedure made under Article 225 of the constitution which cannot curtail any substantive law such as one fixing period of limitation.<sup>^4</sup>

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<sup>2</sup> Hukumdev Narain Yadav v Lalit Narain Misra, (1973) 2 SCC 133 cited in Singh 2021 p 823

<sup>3</sup> Chandra Kishore Jha v Mahavir Prasad, (1999) 8 SCC 266 cited in Singh 2021 p 823

<sup>4</sup> Raj Kumar Yadav v Samir Kumar Mahaseth, (2005) 3 SCC 601 cited in Singh 2021 p 823

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Period of Award - When the period prescribed by a notification for making the award by an Industrial Tribunal to which an industrial dispute was referred expired on a holiday and the award of the Tribunal was pronounced on the next working day, it was held applying the rule enacted in section 10 of the Uttar Pradesh General Clauses Act, 1904 that the award was valid.⁵

Deposit in court - This section does not in terms apply to deposits made in a court under a compromise decree which fixes a period for making deposits, but similar rule has been applied on general principles.⁶

⁵ Vishwamitra Press v Workers, AIR 1953 SC 41 cited in Singh 2021 p 824

⁶ CF Angadi v YS Hiranayya, (1972) 1 SCC 191 cited in Singh 2021 p 824