

Limitation Act, Section 3 - Second Appeal - Substantial question of law - Plea of limitation could have been taken in the Second Appeal before the High Court only if the issue was raised was a pure question of law - No plea was taken up by the respondent in the written submissions filed by him to the suit , no issue on limitation came to be casted - Obviously, in the absence of any such issue framed, the parties did not lead any evidence - No doubt, even in the absence of any specific issue of limitation, by virtue of Section 3 of the Limitation Act, power is cast on the Court to see whether the suit is within limitation or time barred - However, such a plea could have been taken by the respondent in the Second Appeal before the High Court only if the issue of limitation was raised as a pure question of law - In the instant case, we find it to be a mixed question of law and fact and, therefore, it could not have been entertained by the High Court for the first time in the second appeal filed by the respondent.

[2018 PLRonline 1202](#)

[.Ramji Singh Patel v. Gyan Chandra Jaiswal, 2018 PLRonline 1202](#)