

**INDIAN LIMITATION ACT**

**AIR 1965 Supreme Court 241**

**C.Beepathuma and others V. Velasari Shankaranarayana Kadambolithaya and others.**

(b) Limitation Act (1963), Section 3 – Applicability of Act – The Law of Limitation is a procedural law and the provisions existing on the date of the suit apply to it.

**AIR 1980 Calcutta 57**

**Friend's Bureau V. The Corporation of Calcutta**

Limitation Act (1963), Arts. 64, 65 – Adverse possession – Plea, when available – Party kept out of possession by process of law and as a result of court's order – Prescription does not run against such party. Case law discussed.

**1997(3) Mh.L.J.650**

**Nandlal Sakharam V. Babu Bhika and others.**

(a) Limitation Act (36 of 1963), Art.65 – Plea of adverse possession is a mixed plea based on facts and law – It is therefore necessary for party claiming adverse possession over property to plead time when possession become adverse to true owner and material facts pointing out adverse claim – An omnibus plea that possession was adverse as against the whole world cannot be said to be a plea of adverse possession.

**1996(1) CCC 41 (SC)**

**Md.Noorul Hoda V. Bibi Raifunnisa & Ors.**

In a suit to set aside or cancel an instrument, contract or a decree on the ground of fraud, Article 59 is attracted. The starting point of limitation is the date of knowledge of the alleged fraud. When the plaintiff seeks to establish his title to the property which cannot be established without avoiding the decree or an instrument that stands as an insurmountable obstacle in his way which otherwise binds him, though not a party, the plaintiff necessarily has to seek a declaration and have set aside or rescinded.

**AIR 1989 Karnataka 83**

**Thimaiah V. Madegowda.**

(B) Limitation Act (36 of 1963), Arts. 64 and 65 – Adverse possession – Decree does not interrupt adverse possession.

**AIR 1980 Bombay 369**

**Tejoomal Lakhmichand V. M.J. Talegaonkar & others.**

(D) Limitation Act ( 36 of 1963 ), Section 27, Art. 65 – Suit for ejectment – Defendants pleading possession through A, a tenant and in the alternative as adverse possession – A found to be trespasser – Held, defendant's claim for adverse possession and that too in the alternative, came to knowledge of plaintiff only during suit and that being for less than 12 years, claim could not succeed.

**AIR 1959 Andhra Pradesh 146**

**Maidi Bhikashmiah and another V. Venugopalrao and others.**

(a) Limitation Act (1908), Ss. 142 and 144 – Adverse possession – Running of time – Interruption – Decree of court – Effect – AIR 1958 Cal.437, Dissented from.

**AIR 19086 Madras 106**

**V. Muthiah Pillai (Died) and others V. Vedambal and others.**

(A) Limitation Act (36 of 1963), Arts.64, 65 – Adverse possession – Stranger possession – Proof – Knowledge of true owner not necessary.

The concept of adverse possession contemplates a hostile possession i.e. a possession which is expressly or impliedly in denial of the title of the true owner. Possession to be adverse must be possession by a person who does not acknowledge the other's rights, but denies them. Also a person who bases his title on adverse possession must show by clear and unequivocal evidence that his possession was hostile to the real owner and mounted to a denial of his title to the property claimed.

**1999(2) Mh.L.J.272**

**Sonerao Sadashivrao Patil and another V. Godawaribai w/o. Laxmansingh Gahirewar.**

Limitation Act (36 of 1963), S. 5 – Condonation of delay – Liberal approach to be adopted – Courts while dealing with the question have to adopt rational common sense approach – Duration of delay is insignificant – Court has to take into account if there is acceptable or pardonable explanation.

**AIR 1976 Calcutta 55**

**Premendu Bhusan Mondal V. Sripati Ranjan Chakravarthi**

(A) Limitation Act (1963), Article 65 – Suit for possession of a house on basis of title and not on prior possession and dispossession – Art. 65 applied and period of limitation of 12 years starts from date when defendant's possession became adverse.

(B) Limitation Act (1963), Art.65 – Adverse possession – Person is unauthorised possession admitting title of true owner – His possession cannot be adverse to true owner but should be deemed on his behalf.

© Limitation Act (1963), Art.65 – House standing in name of plaintiffs vendors in Municipal register and after purchase plaintiff getting his name mutated – Taking of electric connection in disputed house and paying its municipal tax by defendant does not go to prove his adverse possession.

(D) Limitation Act (1963), Article 65 – Suit for possession – Mere trespass for any length of time if good defence.

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