

(1902) 10 MAD CK 0004
In the Madras High Court

Akilandammal

APPELLANT

Vs

Ratnam Asari

RESPONDENT

Date of Decision : 15-10-1902

Acts Referred:

Citation : (1903) 13 MLJ 145

Judgement

1. The Subordinate Judge held that Article 119 of the Indian Limitation Act does not apply to this case because there was no interference with the

plaintiff's right as adopted son in the property claimed in this suit more than six years before the suit was brought.

2. It is admitted and found by the Subordinate Judge that this very defendant did interfere with the plaintiff's rights as adopted son in 1889 in

regard to certain property which was the subject matter of Original Suit No. 7 of 1897. This interference was more than six years before the

present suit, and there is nothing in column 3 of Article 119 of schedule 2 of the Indian Limitation Act to justify the view of the Subordinate Judge

that the interference which is the starting point for limitation should relate directly to the property sought to be recovered in the suit.

3. The present suit is brought to recover certain sums which were recovered, or which ought to have been recovered by the defendant in virtue of

a certificate which she obtained under Act 27 of 1860, the grant of which had been ordered before the plaintiff's adoption, and the plaintiff seeks to

recover those sums from the defendant solely by virtue of his right as an adopted son. That being so, in accordance with the decision of the

majority of the Bench of the court in appeal suit No. 52 of 1900 13 M.L.J. R. 27 , we must hold that Article 119 is applicable and that the suit is

barred.

4. We reverse the decree of the Subordinate Judge and dismiss the plaintiff's suit with costs throughout.