
(1902) 10 MAD CK 0001
In the Madras High Court

Ponnammal

APPELLANT

Vs

Ratnam Asari

RESPONDENT

Date of Decision : 15-10-1902

Acts Referred:

Limitation Act, 1908 — Article 142

Citation : (1903) 13 MLJ 144

Judgement

1. We cannot agree with the Subordinate Judge that the suit is governed by Article 142 of the Indian Limitation Act as the plaintiff cannot make out

a title otherwise than as an adopted son. The appellant took possession of the plaint property in 1891 by virtue of a deed of gift in her favour

executed by her mother professedly in obedience to a testamentary direction given by her late husband. The plaintiff had already been adopted by

her in 1886, and she did not execute the deed of gift as his guardian. It is found that no such testamentary direction was given by the adoptive

father and, that being so, the plaintiff was entitled to possession of the property as his adopted son and the possession taken by the defendant

under the deed of gift was a direct interference with the right of the plaintiff as the adopted son, The suit was brought more than six years after the

defendant took possession of the property and is, therefore, barred by Article 119, schedule 2 Indian Limitation Act, in accordance with the

decision of the majority of the Bench of this Court in the connected Appeal suit No. 52 of 1900. 13 M.L.J. R. 27.

2. We, therefore, allow the appeal, and reversing the decree of the lower Court, we dismiss the plaintiff's suit with costs throughout.