

(1911) 02 MAD CK 0034
In the Madras High Court

Sreenivasa Varadachary

APPELLANT

Vs

Narasinga Pillai

RESPONDENT

Date of Decision : 22-02-1911

Acts Referred:

Citation : 9 Ind. Cas. 796

Hon'ble Judges : Sankaran Nair, J; Munro, J

Bench : Division Bench

Judgement

1. The suit is for possession of certain lands which are attached as emoluments to the office of karnam, and the only question for determination in this second appeal is whether the suit is barred by limitation by reason of the defendant's adverse possession for more than 12 years. Until the Madras Act III of 1895 came into force, a suit like the present would only have been brought in a Revenue Court under Madras Regulation VI of 1831, and the Limitation Act of 1877 does not apply to suits under the Regulation. Until the Madras Act III of 1895 came into force, therefore, no title by prescription to the lands could be acquired, see *Pichuvayyan v. Vilakkudayan Asari* 21 MP. 134 and if no title by prescription could be acquired, it is difficult to see how possession prior to the Madras Act III of 1895, which was entirely ineffective, can be relied upon in a suit brought after the passing of that Act. In the present case 12 years have not elapsed since the Madras Act III of 1895 came into force, and it is unnecessary to consider whether the defendant's subsequent possession would be adverse so as to give a title by prescription. The second appeal is dismissed with costs.