

## ORIGINAL SIDE JURISDICTION

### LIMITATIONS IN THE CATEGORY OF THE CASES PERTAINS TO ORIGINAL SIDE JURISDICTION

Description Of Suits	Period Of Limitation	Time From which period begins to run
<b>Suits Relating To Immovable Property</b>		
<p>1. By a mortgagor-</p> <p>(a) To redeem or recover possession of immovable property mortgaged;</p> <p>(b) To recover possession of immovable property mortgaged and afterwards transferred by the mortgagee for a valuable consideration;</p> <p>(c) To recover surplus collection received by the mortgagee after the mortgage has been satisfied</p>	<p>Thirty Years</p> <p>Twelve Years</p> <p>Three Years</p>	<p>When the right to redeem or to recover possession accrues.</p> <p>When the transfer becomes known to the plaintiff.</p> <p>When the mortgagor re-enters on the mortgaged property.</p>
2. To enforce payment of money secured by a mortgage or otherwise charged upon immovable property.	Twelve Years	When the money sued for becomes due.
<p>3. By a mortgagee-</p> <p>(a) For foreclosure</p> <p>(b) For possession of immovable vable property mortgaged.</p>	<p>Thirty Years</p> <p>Twelve Years</p>	<p>When the money secured by the mortgage becomes due.</p> <p>When the mortgagee becomes entitled to possession.</p>
4. For possession of immovable property based on previous possession and not on title, when the plaintiff while in possession of the property has been dispossessed.	Twelve Years	The date of dispossession.
<p>5. For possession of immovable property or any interest herein based on title.</p> <p>Explanation -For the purposes of this article -</p> <p>(a) Where the suit is by a remainderman, a reversioner(other than a landlord) or a devisee, the possession of the defendant shall be deemed to become adverse only when the estate of the remainderman, reversioner or devisee, as the case may be, falls in possession;</p>	Twelve Years	When the possession of the defendant becomes adverse to the plaintiff.

(b) Where the suit is by a Hindu or Muslim entitled to the possession of immovable property on the death of a Hindu or Muslim female, the possession of the defendant shall be deemed to become adverse only when the female dies

(c) Where the suit is by a purchaser at a sale in execution of a decree when the judgment debtor was out of possession at the date of the sale, the purchaser shall be deemed to be representative of the judgment debtor who was out of possession.

**NOTE**

Suit for recovery of possession of leased land- Whether barred by limitation - Tenant's plea of adverse possession after expiry of lease - Not accepted - Land leased to defendant in 1935 by original owner - Defendant continuing after expiry of the lease - Land sold to plaintiff and vendor issuing notice to defendant intimating him about the fact of the sale - In his reply in 1957 defendant for the first time denying his status as tenant and setting up title in himself by stating that he has surrendered the land after expiry of the lease and thereafter re-entered and continued in possession thereof in his own right - Suit for recovery of possession filed in 1962 - Fact of his re-entry and continuing in possession in his own right not accepted by trial court as well as first appellate court - In the circumstances held, after the expiry of the lease, further continuance was only permissive and will not give cause for prescribing title by adverse possession - further, for the first time, while replying to the notice by the vendor of the plaintiff, the defendant openly set up a hostile title and the suit having been filed within five years therefrom was not barred by limitation Navanee thammal v. Arjuna Chetty, (1996) 6 SCC 166.

6. For possession of immovable property when the plaintiff has become entitled to possession by reason of nay forfeiture or breach of condition.

Twelve  
Years

When the forfeiture is incurred or the condition is broken.

7. By a landlord to recover possession from a tenant.

Twelve  
Years

When the tenancy is determined.