BLOGS

Recovery of Possession Under Specific Relief Act 1963

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.docxpressoPlugin { font-size: 83.35%; } .h5p_layout { box-sizing: content-box !important; } .h5p_layout *{ float: none; text-align: initial; box-sizing: border-box; } /*to make sure that floating elements are always inside the document bounds*/ .h5p_layout:after { content: " "; display: block; height: 0; clear: both; visibility: hidden; } /* a default layout for documents without maste styles */ .h5p_default_layout { margin-top: 3.6rem; margin-left: 8.50464rem; margin-bottom: 3.6rem; margin-right: 8.50464rem; writing-mode: lr-tb; } /*hack for IE */ wbr:after { content: "\00200B"; } /*hack to get some extra top margin for anchors if needed*/ .h5p_layout span[id^="_Toc"]{ padding-top: 10px; margin-top: -10px; } /* Remove unwanted numbering styles */ .h5p_layout .removeNumbering:before{ content: initial !important; display: none; all: initial !important; } /* give zero default top and bottom paddings for paragraphs*/ .h5p_layout p { color: #000000; line-height: 1; margin-top: 0; margin-bottom: 0; } .h5p_layout span { color: #000000; font-weight: normal; } .h5p_layout span.dropcap { color: inherit; font-family: inherit !important; } .h5p_layout h1, .h5p_layout h2, .h5p_layout h3, .h5p_layout h4, .h5p_layout h5, .h5p_layout h6 { margin-top: 0; margin-bottom: 0; font-family: inherit; font-weight: 500; line-height: 1; color: inherit; } /* give zero default top and bottom paddings for paragraphs in tables*/ .h5p_layout table p { margin-top: 0; margin-bottom: 0; } .h5p_layout ul, .h5p_layout ol { list-style-type: none; margin-top: 0; margin-bottom: 0.5em; padding-left: 0; } .h5p_layout ul li, .h5p_layout ol li { list-style-type: none; margin-top: 0; margin-bottom: 0.5em; } .h5p_layout li p { margin-top: 0; margin-bottom: 0; } .h5p_layout table { border: none; } .h5p_layout td { vertical-align: top; border: none; } .h5p_layout th { vertical-align: top; border: none; } .h5p_layout div { margin-bottom: 10pt; } .h5p_layout img { margin: 0; padding: 0; } .h5p_layout ul ul { margin-top: 0; margin-bottom: 0; } .h5p_layout li { margin-top: 0; margin-bottom: 0; list-style-type: none !important; } .h5p_layout ul, .h5p_layout ol { list-style-type: none !important; } .h5p_layout td[data-sorting] p:before, .h5p_layout th[data-sorting] p:before { content: ' '; padding-right: 16px; background: url(background-position: left center; background-repeat: no-repeat; } .sortDecorator { border-bottom:

3px solid #b70000 !important; } /* This is a spacial class designed to remove unwanted bullets when a li has ul as its first child*/ .h5p_layout .removeBullet:before { content: none !important; } /*responsive tables*/ .h5p_layout div.dxoResponsiveTable{ margin: 0 !important; padding: 0 !important; overflow-x: auto !important; overflow-y: hidden; } /* chart tooltips */ .c3-tooltip-container td.name { white-space: nowrap; } /* External services*/ .h5p_layout iframe { resize: vertical; border: 1px solid #fff; } .h5p_layout div.youtube { position:relative; padding-bottom:56.25%; height:0; overflow:hidden; background-color: transparent; } .h5p_layout div.youtube iframe { resize: none; position:absolute; top:0; left:0; width:100%; height:100%; } div#h5p_6a7bf4bdc6acc ul.LFO1 {counter-reset: ulLFO1_1;margin-left: 0;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 ul {counter-reset: ulLFO1_2;margin-left: -0.75in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li {margin-left: 0.75in;text-indent: -0.5in;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li:before {counter-increment: ulLFO1_1;content: "(" counter(ulLFO1_1, lower-roman) ")\00a0 ";margin-left: -0.5in;display: table-cell;} div#h5p_6a7bf4bdc6acc ul.LFO1 ul ul {counter-reset: ulLFO1_3;margin-left: -1in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li {margin-left: 1in;text-indent: -0.25in;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li:before {counter-increment: ulLFO1_2;content: counter(ulLFO1_2, lower-latin) ". ";margin-left: -0.25in;display: table-cell;} div#h5p_6a7bf4bdc6acc ul.LFO1 ul ul ul {counter-reset: ulLFO1_4;margin-left: -1.5in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li {margin-left: 1.5in;text-indent: -0.125in;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li:before {counter-increment: ulLFO1_3;content: counter(ulLFO1_3, lower-roman) ". ";margin-left: -0.125in;display: table-cell;} div#h5p_6a7bf4bdc6acc ul.LFO1 ul ul ul ul {counter-reset: ulLFO1_5;margin-left: -2in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li {margin-left: 2in;text-indent: -0.25in;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li:before {counter-increment: ulLFO1_4;content: counter(ulLFO1_4, decimal) ". ";margin-left: -0.25in;display: table-cell;} div#h5p_6a7bf4bdc6acc ul.LFO1 ul ul ul ul ul {counter-reset: ulLFO1_6;margin-left: -2.5in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li ul li {margin-left: 2.5in;text-indent: -0.25in;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li ul li:before {counter-increment: ulLFO1_5;content: counter(ulLFO1_5, lower-latin) ". ";margin-left: -0.25in;display: table-cell;} div#h5p_6a7bf4bdc6acc ul.LFO1 ul ul ul ul ul ul {counter-reset: ulLFO1_7;margin-left: -3in;padding: 0; list-style-type: none;font-size: 11pt;}

div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li ul li ul li {margin-left: 3in;text-indent: -0.125in;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li ul li ul li:before {counter-increment: ulLFO1_6;content: counter(ulLFO1_6, lower-roman) ". ";margin-left: -0.125in;display: table-cell;} div#h5p_6a7bf4bdc6acc ul.LFO1 ul ul ul ul ul ul ul {counter-reset: ulLFO1_8;margin-left: -3.5in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li ul li ul li ul li {margin-left: 3.5in;text-indent: -0.25in;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li ul li ul li ul li:before {counter-increment: ulLFO1_7;content: counter(ulLFO1_7, decimal) ". ";margin-left: -0.25in;display: table-cell;} div#h5p_6a7bf4bdc6acc ul.LFO1 ul ul ul ul ul ul ul ul {counter-reset: ulLFO1_9;margin-left: -4in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li ul li ul li ul li ul li {margin-left: 4in;text-indent: -0.25in;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li ul li ul li ul li ul li:before {counter-increment: ulLFO1_8;content: counter(ulLFO1_8, lower-latin) ". ";margin-left: -0.25in;display: table-cell;} div#h5p_6a7bf4bdc6acc ul.LFO1 ul ul ul ul ul ul ul ul {counter-reset: ulLFO1_10;margin-left: -4.5in;padding: 0; list-style-type: none;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li ul li ul li ul li ul li {margin-left: 4.5in;text-indent: -0.125in;font-size: 11pt;} div#h5p_6a7bf4bdc6acc ul.LFO1 li ul li ul li ul li ul li ul li ul li ul li ul li:before {counter-increment: ulLFO1_9;content: counter(ulLFO1_9, lower-roman) ". ";margin-left: -0.125in;display: table-cell;} div#h5p_6a7bf4bdc6acc p.P1 {break-before: page !important;text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P1 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 12pt;text-decoration: single;text-decoration: underline;text-decoration-style: solid;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P2 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P2 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P3 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P3 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P4 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc span.T5 {font-family: Times New Roman !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc p.P6 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P6 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P7 {text-align: justify

!important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc span.T8 {font-family: Times New Roman !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc span.T9 {font-family: Times New Roman !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc span.T10 {font-family: Times New Roman !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc span.T11 {font-family: Times New Roman !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc span.T12 {font-family: Times New Roman !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc span.T13 {font-family: Times New Roman !important;font-style: italic !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc span.T14 {font-family: Times New Roman !important;font-style: italic !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc span.T15 {font-family: Times New Roman !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc span.T16 {font-family: Times New Roman !important;font-style: italic !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc p.P17 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc span.T18 {font-family: Times New Roman !important;font-style: italic !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc p.P19 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P19 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P20 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P20 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P21 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P21 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 12pt;text-decoration: single;text-decoration: underline;text-decoration-style: solid;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P22 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P22 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P23 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P23 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 12pt;text-

decoration: single;text-decoration: underline;text-decoration-style: solid;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P24 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P24 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P25 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc span.T26 {font-family: Times New Roman !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc p.P27 {text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P27 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P28 {margin-left: 0.5in !important;text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P28 span {hyphenate: false;hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P29 {margin-left: 0.5in !important;text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P29 span {hyphenate: false;hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P30 {margin-left: 0.5in !important;text-align: justify !important;line-height: 1.5 !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P30 span {hyphenate: false;hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P31 {text-align: justify !important;line-height: 1.5 !important;margin-left: 0.25in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P31 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P32 {text-align: justify !important;line-height: 1.5 !important;margin-left: 0.25in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P32 span {hyphenate: false;font-family: Times New Roman;font-weight: bold;font-size: 12pt;text-decoration: single;text-decoration: underline;text-decoration-style: solid;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P33 {text-align: justify !important;line-height: 1.5 !important;margin-left: 0.25in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P33 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P34 {text-align: justify !important;line-height: 1.5 !important;margin-left: 0.25in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P34 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;} div#h5p_6a7bf4bdc6acc p.P35 {text-align: justify !important;line-height: 1.5 !important;margin-left: 0.25in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P35 span {hyphenate:

false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;}
div#h5p_6a7bf4bdc6acc p.P36 {text-align: justify !important;line-height: 1.5 !important;margin-left: 0.25in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P36 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;}
div#h5p_6a7bf4bdc6acc p.P37 {text-align: justify !important;line-height: 1.5 !important;margin-left: 0.25in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc span.T38 {font-family: Times New Roman !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc p.P39 {text-align: justify !important;line-height: 1.5 !important;margin-left: 0.25in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P39 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;}
div#h5p_6a7bf4bdc6acc p.P40 {text-align: justify !important;line-height: 1.5 !important;margin-left: 0.25in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P40 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;}
div#h5p_6a7bf4bdc6acc p.P41 {text-align: justify !important;line-height: 1.5 !important;margin-left: 0.25in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P41 span {hyphenate: false;font-family: Times New Roman;font-size: 12pt;language: en;country: US;}
div#h5p_6a7bf4bdc6acc p.P42 {text-align: justify !important;line-height: 1.5 !important;margin-left: 0.25in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc span.T43 {font-family: Times New Roman !important;font-size: 12pt !important;language: en !important;country: US !important;} div#h5p_6a7bf4bdc6acc div.a0 {border: none !important;background-color: transparent !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc div.a1 {border: none !important;background-color: transparent !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc div.a2 {border: none !important;background-color: transparent !important;font-size: 11pt;}
div#h5p_6a7bf4bdc6acc div.a3 {border: none !important;background-color: transparent !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.Normal {font-size: 11pt;}
div#h5p_6a7bf4bdc6acc p.Normal span {hyphenate: false;font-size: 11pt;}
div#h5p_6a7bf4bdc6acc span.DefaultParagraphFont {font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.ListParagraph {margin-left: 0.5in !important;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.ListParagraph span {hyphenate: false;hyphenate: false;font-size: 11pt;}
div#h5p_6a7bf4bdc6acc div {font-size: 11pt;} div#h5p_6a7bf4bdc6acc div.Graphics {font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P4 span {hyphenate: false;hyphenate: false;font-size: 11pt;}
div#h5p_6a7bf4bdc6acc p.P7 span {hyphenate: false;hyphenate: false;font-size: 11pt;}
div#h5p_6a7bf4bdc6acc p.P17 span {hyphenate: false;hyphenate: false;font-size: 11pt;}

div#h5p_6a7bf4bdc6acc p.P25 span {hyphenate: false;hyphenate: false;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P37 span {hyphenate: false;hyphenate: false;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p.P42 span {hyphenate: false;hyphenate: false;font-size: 11pt;} div#h5p_6a7bf4bdc6acc table {margin-left: 0in;border-collapse: collapse;writing-mode: lr-tb;font-size: 11pt;} div#h5p_6a7bf4bdc6acc table tr {height: 0in;keep-together: auto;font-size: 11pt;} div#h5p_6a7bf4bdc6acc table td, table th {background-color: transparent;vertical-align: top;wrap-option: wrap;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p {keep-with-next: auto;keep-together: auto;widows: 2;orphans: 2;break-before: auto;border: none;text-align: left;writing-mode: lr-tb;margin-bottom: 0.1111in;line-height: 1.07;background-color: transparent;font-size: 11pt;} div#h5p_6a7bf4bdc6acc p span {font-family: Calibri;font-weight: normal;font-style: normal;text-transform: none;font-variant: normal;letter-spacing: normal;font-size: 11pt;background-color: transparent;text-decoration: none;text-decoration-color: font-color;language: en;country: IN;hyphenate: true;}

Section 5Ownership is the dejure claim to certain property. Possession is the defacto exercise of a claim to a certain property. A person may be entitled to the possession of any immovable property either as an owner or as possessor. When a person is in possession of anything, as per Section 110 of Indian Evidence Act, the burden of proof to prove that such person is not the owner is upon the person who affirms it. Simply, it can be said that possession is prima facie proof of ownership. Section 5 requires that a person must be entitled to possess. Entitlement means having a legal right to possess. This legal right is through substantive law. For e.g. If a person is in possession of a house as a lessee, he is entitled to enjoy the premises on the basis of his possessory title (lease). This right to enjoy is given by Transfer of Property Act and not Specific Relief Act.The course of action under section 5 requires that a person should have a right to possess and this right is violated. The Burden of Proof lies upon the plaintiff in a suit filed under section 5. The matter in issue under Section 5 is either ownership or possessory title. When a suit is filed under Section 5, it can be filed ether read with Article 64 or Article 65 of the Limitation Act. Under both these Articles, the period of filing a suit is 12 years. A suit can be filed under Article 65 of the Limitation Act on the basis of title. The Cause of Action for filing a suit under Article 65 is a right to possess on the basis of title and the violation of this right. The law laid down in Article 64 and 65 is based on the decision in Asher v Whitcock (1865) (Queen’s bench) which was accepted by House of Lords in Perry v. Clissold (1907). On the other hand, the suit under section 5 read with Article 64 of the Limitation Act is filed on the ground of dispossession. In this suit, the plaintiff does not file the suit based on title but on dispossession.

The Course of Action for this suit is the right to continue the prior possession and the violation of this right by dispossession. The matter in issue is the settled possession.In a suit under Article 64, though the plaintiff cannot raise title but the defendant in his defense can raise `his title. Upon this, the plaintiff also now gets a right to raise his title which eh could not have done initially.Difference between Article 64 and Article 65 of the Limitation ActThe period of limitation for a suit under Article 64 begins from the date of dispossession. The period of limitation under Article 65 begins to run from the possession of the defendant becoming adverse to the plaintiff. Perfecting Ownership Title On The Basis Of Adverse PossessionMere possession, howsoever long it maybe, does not necessarily mean that it is adverse to the owner. The requirement of acquisition of title by adverse possession is that such possession is in the denial of the true owner's title. Upon the possession becoming hostile if the true owner fails to file a suit within 12 years, his right to such property is extinguished. The Limitation Act deals with the limitation period to sue and the extinguishment of this right. The Limitation Act as such does not define adverse possession but it only provides for period of Limitation. Section 27 of Limitation Act operates to extinguish right to property of a person, who does not sue for the possession within the time allowed by law i.e., 12 years.Adverse Possession requires the following requirements to coexist at the same time:nec- vi i..e. adequacy in conformity (peaceful)nec- clam i..e adequacy in publicity (open)nec precario i.e. the adverse to the title holder (Continuous)Amicus Possidendi under hostile colour of title is required o prove perfection of title by adverse possession.Section 6Section 6 of the Specific Relief Act provides a speedy remedy and summary proceeding. The object of section 6 is to provide an immediate and speedy remedy to to restore possession to a person who has been unjustly and forcibly dispossessed. It is to prevent persons persons from taking law into their hands, howsoever good their title maybe. Section 5 provides for a general relief but Section 6 provided for a specific relief. The cause of Action to file a suit under Section 6 is the right to continue the settled possession as lawful dispossession. The matter in issue is settled possession. For the purposes of recovery of possession under section 6, the possession must be a juridical (the law recognizes it to be a possession) possession. A servant does not have juridical possession, so if he is dispossessed, he cannot file a suit under section 6.After termination of tenancy, a tenant does not have a right to continue the possession but if he does not vacate the possession, it would be protected by Section 6 as his possession in a juridical possession.Therefore, a tenant by holding over has a right to file under section 6 if he has been dispossessed. Similarly, a trespasser who has been in settled possession, also has a right file a suit under section 6 if he has been lawfully dispossessed.This section overrides any title that may be

claimed in suit. This means that in a suit under section 6 neither the plaintiff nor the defendant claims any other title in a suit under section 6, the court will strike out proceeding (Order VI, Rule 06).Section 6 provides for a special period of limitation i.e., 6 months. Any delay in filing a suit within 6 months cannot be condoned. A suit under Section 6 against the Government is barred by Section 6(2) (b). However, government may bring a suit under Section 6 but that would be governed by Article 112 of the Limitation Act. Section 6 is exhaustive in itself, therefore an appeal or review is not permissible. The logic behind this is, that unsuccessful party can file a suit under section 5.(function($) { //footnotes $('.defaultNote').children(":first").css('cursor', 'pointer'); $('.defaultNote').children(":first").click(function(){ var gotoID = '#' + $(this).parent().attr('id'); $('html, body').animate({ scrollTop: $('a[href="' + gotoID + '"]').offset().top - 60, }, 250, 'linear') }); }(jQuery)); var numFormat = ",."; (function($) { "use strict"; //do some cleaning on load var sortCells = $('td[data-sorting], th[data-sorting]'); sortCells.each(function(){ var first = $(this).text().trim().charAt(0); if (first == '@'){ var oldHTML = $(this).html(); var newHTML = oldHTML.replace('@', ''); $(this).html(newHTML); } }); function sortingTable(node, pos, ordBy){ var rows = node.children('tbody').children('tr').get(); rows.sort(function(a, b) { var X = $(a).children('td').eq(pos).text().toUpperCase(); var Y = $(b).children('td').eq(pos).text().toUpperCase(); if (numFormat != '.,'){ //we are dealing with a different locale and we need to do some //transformation in numbers X = convert2number(X); Y = convert2number(Y); } else { X = X.replace(/,/g, '').replace(/ /g, ''); Y = Y.replace(/,/g, '').replace(/ /g, ''); } var currencies = ['$', '¥', '£', '€']; var arrayLength = currencies.length; var XX = X; var YY = Y; for (var i = 0; i < arrayLength; i++) { XX = XX.replace(currencies[i], ''); YY = YY.replace(currencies[i], ''); } if (!isNaN(XX) && !isNaN(YY)){ var floatXX = parseFloat(XX); var floatYY = parseFloat(YY); return -(floatYY-floatXX) * ordBy; } else if (!isNaN(XX) && isNaN(YY)){ return -1 * ordBy; } else if (isNaN(XX) && !isNaN(YY)){ return ordBy; } else { if(X < Y) { return -1 * ordBy; } if(X > Y) { return 1 * ordBy; } return 0; } }); $.each(rows, function(index, row) { node.children('tbody').append(row); }); } function removeTableCellDecoration() { $("td[data-sorting], th[data-sorting]").removeClass('sortDecorator'); } //unbind the click event just in case we are loading more than one document $("td[data-sorting], th[data-sorting]").off('click'); $("td[data-sorting], th[data-sorting]").click(function(){ removeTableCellDecoration(); $(this).addClass('sortDecorator'); //get desired ordering var ordering = $(this).attr('data-sortOrdering'); if (ordering == 'ASC'){ var ordBy = -1; $(this).attr('data-sortOrdering', 'DESC'); } else { var ordBy = 1; $(this).attr('data-sortOrdering', 'ASC'); } var cellPosition = $(this).prevAll().length; var table = $(this).parents('table:first'); sortingTable(table, cellPosition,

ordBy); }); function convert2number(str) { str = str.trim(); if (str.match(/^\d+/)) { //we have to take special care when the thousand separators are '.' var result_0 = str.replace(/\./g, '_@_'); var result_1 = result_0.replace(window.numFormat[0], '.'); var result = result_1.replace(/_@_/g, ''); result .replace(/ /g, ''); return result; } else { return str; } } }(jQuery));