

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.2392 of 2000

1.K.Meenatchi Ammalle
2.K.Lakshmi
3.K.Ponny
4.K.Saradha
5.K.Somasundaram
6.K.Murugan

.. Petitioners

Vs.

1.Sri Gangai Vinayagar Temple
Pondicherry represented by its
Trust Committee

2.Ashok Kumar
3.Arun Kumar
4.R.Jayaraman
5.A.M.Govindaraj
6.Ramayya Chettiar
7.P.Lakshmanan
8.P.Vadivelu
9.P.Saibaba

.. Respondents

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C.,
against the order dated 19.03.1999 made in C.R.A.No.1 of 1993 in

O.S.No.5 of 1978 on the file of the III Additional District Court,
Pondicherry.

For Petitioners : Mr.T.Sathyamoorthy
for M/S.G.M.Mani Associates

For R1 to R3 : Mr.V.Sitharanjandoss
For R4 : Not ready in notice
For R5 and R6 : No appearance

For R7 to R9 : Mr.K.V.Ananthakrishnan
For R8 : Mr.R.Natarajan

ORDER

The Civil Revision Petition is filed against the order dated 19.03.1999 made in C.R.A.No.1 of 1993 in O.S.No.5 of 1978 on the file of the III Additional District Court, Pondicherry.

2. The petitioners are the plaintiffs and respondents 1, 4 to 9 are the defendants 1, 4 to 9 in O.S.No.5 of 1978 on the file of the II Additional District Court, Pondicherry. The suit was decreed on 06.11.1982. The petitioners filed review application in C.R.A.No.1 of 1993 in February 1993.

3. According to the petitioners, the suit was decreed without properly appreciating Exs.A3, A7, A19 and B7. The error committed by the learned Judge is apparent on the face of the record and sought for review of the judgment.

4. The respondents filed counter affidavit and submitted that the petitioners have filed review application under Order 47 Rule 1 of C.P.C. and the same is barred by limitation. Article 2262 of the French Civil Code is not applicable and only Articles 593 to 596 of the French Civil Code are applicable.

5. The learned Judge determined the question of limitation as a preliminary issue. The learned Judge considered Articles 593 to 596, Article 2262 of the French Civil Code and Limitation Act in detail and on such consideration, the learned Judge dismissed C.R.A.No.1 of 1993 by holding that the same is barred by limitation.

6. Against the said order of dismissal dated 19.03.1999 made in C.R.A.No.1 of 1993, the present civil revision petition is filed by the petitioners/plaintiffs.

7. Heard both sides and perused the materials available on record.

8. The only point for consideration in the present civil revision petition is whether Article 2262 of the French Civil Code is applicable or Indian Limitation Act, 1963 is applicable to the facts of the present case. This issue is no longer res integra. By the judgment reported in **(2013) 10 SCC 472 (Gothamchand Jain v. Arumugam alias Tamilarasan)**, the Hon'ble Apex Court held that the limitation Act, 1963 came into force on 01.01.1964 to the whole of India except Jammu & Kashmir and the provisions of the Limitation Act, 1963 is applicable to the Union Territory of Pondicherry. As per the Limitation Act, 1963, the period within which a review application under Order 47 Rule 1 of C.P.C. is 30 days. In view of the said provision, the review application in C.R.A.No.1 of 1993 is barred by limitation and the learned Judge rightly dismissed the said review application holding that Article 2262 of the French Civil Code is not applicable and only Limitation Act, 1963 is applicable.

9. In the result, the Civil Revision Petition is dismissed. No costs.

29.08.2017

Index : Yes/No

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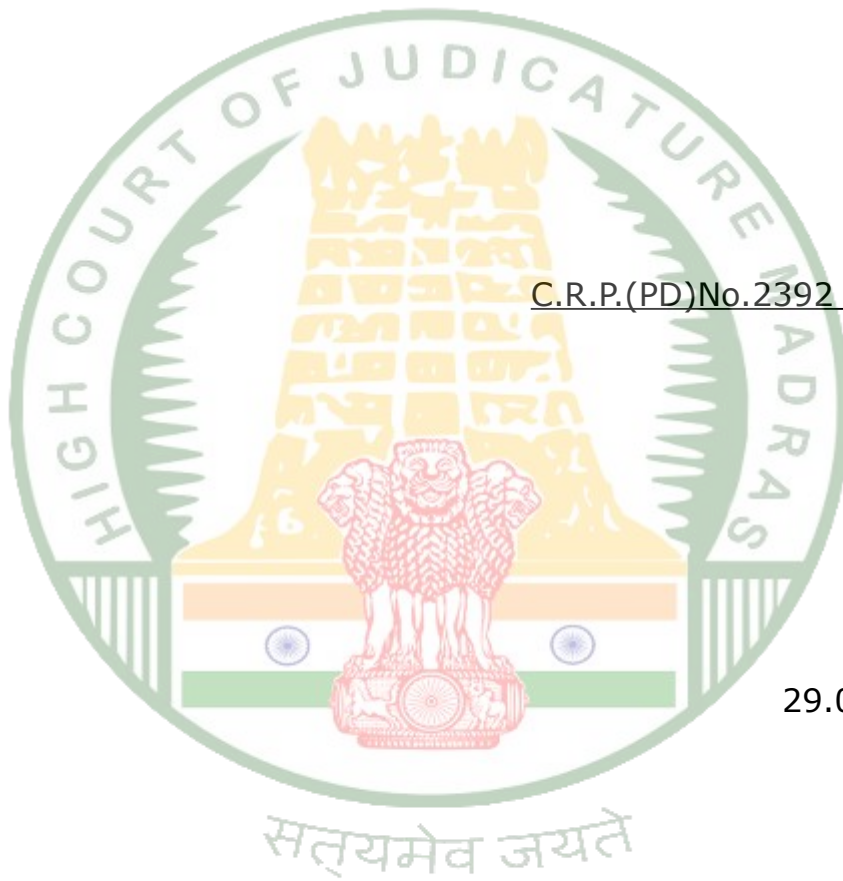
III Additional District Court, Pondicherry.



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V.M.VELUMANI, J.

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