

### **Orders on Limitation**

The DHR has filed calculation memo of limitation stating that the judgment was pronounced on 13.12.2006 in O.S.No.82/2001 and he has filed this petition on 01.01.2018. So, from the date of judgment till filing of the petition, the period is 11 years 01 month 18 days. So, this petition is filed within 12 years which is within the limitation period. Hence, the petition is maintainable and it is not barred by limitation.

2. The JDR in his objections to this memo of calculation has stated that after lapse of limitation period, the DHR has filed this petition without mentioning proper reasons. Further the decree was passed in respect of Rs.50,650/-, but the DHR has claimed Rs.1,84,746/- along with interest which is against the law and hence, the petition is not maintainable and liable to be dismissed.

3. Heard both sides.

4. The only points that would arise for my considerations are:

1] Whether the petition is filed within the limitation period?

2] What order?

5. My findings on the above points are as under:

Point No.1 : In the **Affirmative**

Point No.2 : As per final order  
for the following:

### **REASONS**

6. **Point No.1:** After perusal of the records, judgment was passed in O.S.No.82/2001 on 13.12.2006. On the basis of the said judgment, the DHR has filed this petition on 01.01.2018. After calculating the said period of limitation, the DHR has filed this petition after lapse of 11 years 01 month 18 days of the judgment in the said suit. Then it clearly shows that this petition is filed within 12 years from the date of judgment which is in time. As far as petition amount and interest claimed by the DHR is concerned, it can be looked into, but not in this order. So, the petition filed by the DHR is in time. **Hence, my finding to point No.1 is in the Affirmative.**

7. **Point No.2:** In view of reasons assigned above, I proceed to pass the following:

### **ORDER**

The petition filed by the DHR is in time which is maintainable.

**(Kiran Kumar D.Wadigeri)**  
**Senior Civil Judge & JMFC,**  
**Arsikere.**