

which the deed is filed into the Court but otherwise becomes the province of proof. General speaking although the date on which has been tendered in evidence or subjected to being proved/exhibited is the relevant date from which its antiquity is to be computed we think it necessary to underscore that it should be produced at the earliest so that it is not looked upon askance and with suspicion so far as its authenticity is concerned. (Please see Supreme Appeals Reported 2015 Page 229 at Page 301)

To maintain brevity the computation of

thirty years is to be from the date of execution and ends with date of tendering the document in evidence.

It is well settled when once a document which is thirty years old is produced and the party relying on the same insists upon the presumption as to his proof under Section 90 of the Evidence Act the party who opposes such presumption has to disprove it. If he fails in the attempt to disprove, nothing remains to be done and the Court shall have to presume the proof and validity of the document.

WHETHER THE DOCTRINE OF “*LIS PENDES*” APPLIES EVEN AFTER THE DISMISSAL OF A SUIT

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Section 52 T.P. Act provides that pendente lite neither party to the litigation, in which any right to immovable property is in question can alienate or otherwise deal with such property so as to affect his opponents. In other words, the doctrine is intended to protect the parties to a litigation against alienations by their opponent during the pendency of a suit.

It is also well settled the law of *lis pendens* is an extension to the law of *res judicata*.

Be this prefatory analysis as it may regard the scope of Section 52 T.P. Act.

The broad principle underlying Section 52 T.P. Act is to maintain *status quo* unaffected by the Act of any party to the litigation pending its determination. Even after dismissal of a suit the purchaser is subject to *lis pendens*, if an appeal is after words

filed as held in *Krishnaji Padmavathi v. Anusayavai*, AIR 1959 Bom. 475. The explanation to the section lays down that pending of a suit or a proceeding shall be deemed to continue until the suit or proceeding is disposed of by final decree or order and complete satisfaction or discharge of such decree or order has been obtained or has become unobtainable by reason of any explanation of any period of limitation prescribed for the execution thereof by any law for the time being in force.

It is thus evident, the doctrine of *lis pendens* is founded in public policy and equity and if it has to be read meaningfully such a sale until the period of limitation for preferring any appeal is over will have to be held as covered under Section 52 T.P. Act.

Any sophisticated contra view is worth welcome in view of day-to-day importance.