

Article by a. private  
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**ASSIGN  
BUSTER**

Article 112 governs all suits brought by or on behalf of the Central and State Governments.

Art. 112 will be applicable to a suit by a Government Company owned wholly either by the Central Government or by the State Government or jointly by the Central Government and the State Government in the State. In order to attract the Art. 112 it is necessary that there must be an averment that the suit was filed by or on behalf of Government.

Art. 112 does not apply to suits brought by persons claiming through the Government, namely, a suit by a purchaser from the Government. State Electricity Board being a statutory Corporation and an independent body and not a Government Department cannot get the benefit of the Art.

112. In order to claim adverse possession against the Government a person has to prove such possession for the full statutory period, but mere proof of long possession is not enough. The person has to prove all the ingredients of adverse possession for the whole statutory period in order to claim prescriptive title against the Government. The starting point of limitation for a suit by or on behalf of the Government will be the same as starting point for similar suit by a private person. The period is to be computed from the date on which the claim becomes enforceable and not from the date on which the claim became vested in the Government. The words “ like suit by a.

private person” do not mean that a private person should be capable of instituting the suit. The Art. 112 does not contemplate that such a suit should have been maintainable at the instance of the private party.

The word ‘ private person’ in Art. 112 seems to be used in contradiction to the Government because Art. 112 provides that the time starts running against the Secretary of Government from the same date as it would in a suit against a private person.