

## **SUITS VALUATION ACT, 1887**

**7 of 1887**

**[11th February, 1887.]**

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"The principal object of this Bill is to prescribe a simple mode of valuing suits relating to land for the purpose of determining the jurisdiction of the Courts with respect to them. Most of those suits are of course cognisable exclusively by Civil Courts but some of them. as for instance, suits in the Punjab under S. 9 of the Specific

Relief Act, 1963, may be tried by Revenue Courts. It has been brought to the notice of the Government that, while the Civil Courts Acts of the several Provinces, with the exception of that in force in the Presidency of Madras, prescribe no special rules for fixing the value for jurisdiction of the subject-matter of land-suits, but simply define the limit of the jurisdiction of each grade of Court by the money value of the subject-matter in suit. Thus leaving the market-value to be the strictly legal criterion, a practice has sprung up, generally in the inferior Courts, of accepting in the absence of any express provision of law to the contrary the court-fee valuation as laid down in S. 7, para. (v). of Act VII of 1870, for purposes of jurisdiction also. The generally admitted result is that landsuits are undervalued and disposed of by Courts not strictly competent to try them. In order to remedy this state of things the present Bill has been prepared. It empowers (S. 2) the Local Government to frame rules, subject to the sanction of the Governor-General in Council, for determining the value of land in the territories under its administration for purposes of jurisdiction in the suits mentioned in S. 7, paras. (v) and (vi). and para. (x) Cl. (d) of Court-fees Act, 1870. namely, suits for possession of land. to enforce a right of pre-emption, and for specific performance of an award relating to land. These rules are to be made after consultation with the High Court; and the Bill provides (S. 7) a procedure for the publication of proposed rules, so that the Courts and the public may have an opportunity of preferring any objections which they may have to them before the rules are made. The Bill further declares (S. 3) that where a suit mentioned in para. (v) of S. 7, or Art. 17 of the Court-fees Act, 1870, relates to land. the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land to which the suit relates as determined by the rules under the Act. In addition to the foregoing provisions which relate exclusively to land-suits Section 4 provides that in other suits in which court-fees are payable ad valorem, the value for purposes of jurisdiction shall be estimated in accordance with the rules which regulate the value for court-fee purposes. Section 5 of the Bill is taken from Sections 206-S.208 of the North-Western Provinces Rent Act, 1881, and has been inserted at the suggestion of Sir Charles Turner, late Chief Justice of Madras, It lays down a special procedure for cases in which the objection that a suit was not properly valued for purposes of jurisdiction is taken in an appellate Court, an objection which the Bill declares may not be entertained unless it was taken

in the Court of first instance. Lastly, the Bill (S. 6) repeals S.14 of the Madras Civil Courts Act, 1873 which enacts the rule of valuation which it is the object of this Bill to abolish, namely, the valuation for jurisdiction in the case of land suits shall be in accordance with the court-fee valuation prescribed by S.7 of the Court-fees Act, 1870. In order, however, to prevent hardship or inconvenience to suitors it is provided that this repeal shall not affect any suit instituted before the rules under the proposed Act take effect."- Gazette of India, 1886, Part V, page 791.

### **1. Title :-**

This Act may be called THE SUITS VALUATION ACT, 1887<sup>1</sup> [and it extends to the whole of India except the territories which immediately before the 1st November, 1956, were comprised in Part B States.]

1. Added by 2 A.L.O., 1956 (1-11-1956).

#### PART 1

#### SUITS RELATING TO LAND

### **2. Extent and commencement of Part 1 :-**

This Part shall extend to such local areas, and come into force therein on such dates, as the <sup>1</sup>[State Government], by notification in the Official Gazette, directs <sup>2</sup>. Part I was also extended to the Union Territory of Himachal Pradesh and brought into force therein on 13-12-1958, see H. P. Gaz., 1958, Pt. I, p. 961. Sections 3 to 5 (both inclusive) enforced w.e.f. 27-8-1983 in the State of Maharashtra-Mah. Govt. Gaz., 27-8-1983, Pt. IV-A, P. 932.

1. Substituted for the words "Government of a Part A State or a Part C State", by 2 A.L.O., 1956 (1-11-1956).

2. Part I of the Act has been declared to extend to the Punjab, and to come into force therein on 1-3-1889, see Gaz. of Ind., 1889, Pt. I, p. 107.

### **3. Power for State Government to make rules determining value of land for jurisdictional purposes :-**

(1) The <sup>1</sup>[State Government] may <sup>2</sup> [\* \* \*] make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in s.7 of the Court-fees Act, 1870, paragraphs V and VI, and paragraph X, clause (d).

(2) The rules may determine the value of any class of land, or of

any interest in land, in the whole or any part of a local area, and may prescribe different values for different places within the same local area.

1. Substituted for the words 'Provincial Government' by A.L.O., 1950.
2. The words "subject to the control of the Governor-General in Council" were omitted by A.O" 1937 (1-4-1937).

#### **4. Valuation of relief in certain suits relating to land not to exceed the value of the land :-**

Where a suit mentioned in Court-fees Act, 1870, section 7, paragraph iv, or Schedule II, Article 17, relates to land or an interest in land of which the value has been determined by' rules under the last fore- going section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

#### **5. Making and enforcement of rules :-**

(1) The <sup>1</sup>[State Government] shall, before- making rules under section 3 , consult the High Court with respect thereto. (2) A rule under that section shall not take effect till the expiration of one month after the rule <sup>2</sup>has been published in the <sup>3</sup> [Official Gazette].

1. Substituted for the words "Provincial Government" by A.L.O., 1950.
2. For Gujarat Suits Valuation Rules, 1966, see Guj. Govt. Gaz., 5-5-1966, Pt, IVA, p. 590.
3. Substituted fur the words "Local Official Gazette" by A.O., 1937.

#### **6. Bepeal of section 14 of the Madras Civil Courts Act, 1873 :-**

On and from the date on which rules under section 3 take effect in any part of the territories under the administration of the Governor of Fort Saint George in Council to which Madras Civil Courts Act, 1873, extends, section 14 of that Act shall be repealed as regards that part of those territories.

#### **PART 2** **OTHER SUITS**

#### **7. Extent and commencement of Part II :-**

This Part <sup>1</sup> [\* \* \*] shall come into force on the first day of July, 1887. The words "extends to the whole of India except Part B States and" were omit- ted by 2 A.L.O., 1956 (1-11-1956).

1. For Rules under this section made in H. P. State, see H. P. Gaz" 20-121955, Pt. III, p. 983.

**8. Court-fee value and jurisdictional value to be the same in certain suits :-**

Where in suits other than those referred to in s.7 of the Court-fees Act, 1870, paragraphs v, vi and ix, and paragraph x, clause (d) court-fees are payable ad valorem under Court-fees Act, 1870, the value as determin- able for the computation of court-fees and the value for purposes of jurisdic- tion shall be the same. "We have excepted from the operation of due under the mortgage-deed represent the section 8 (section 4 of the Bill as introduced) value of the suit for the purposes of juris- the suits to which paragraph IX of section 7 diction, while the value for the computation of the Court-foes Act relates. In a suit for of court-fees is the principal only."- S.C.R. foreclosure or sale the principal and interest

**9. Determination of value of certain suits by High Court :-**

When the subject-matter of suits of any class, other than suits mentioned in s.7 of the Court-fees Act, 1870, paragraphs v and vi, and paragraph x, clause (d), is such that in the opinion of the High Court it does not admit of being satisfac- torily valued, the High Court may, with the previous sanction of the. State Government direct that suits of that class shall, for the purposes of the Court-fees Act, 1870, and of this Act and any other enactment for the time being in force, be treated as if their subject matter were of such value as the High Court thinks fit to specify in this behalf.

**10. Repeal of section 32 of the Punjab Courts Act, 1884 (18 of 1884) :-**

Repealed by the Repealing and Amending Act, 1891 (12 of 1891) S. 2 and Schedule I.]

PART 3

SUPPLEMENTAL PROVISIONS

**11. Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes :-**

(1) Notwith- standing anything in S.578 of the Code of Civil Procedure, 1908, an objection that by reason of the over-valuation or under-valuation of a suit or appeal a court of first instance or lower Appellate Court which had not -jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall

not be entertained by an Appellate Court unless-

(a) the objection was taken in the court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower Appellate Court in the memorandum of appeal to that court, or

(b) the Appellate Court is satisfied, for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued, and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits.

(2) If the objection was taken in the manner mentioned in clause (a) of sub-section (1), but the Appellate Court is not satisfied as to both the matters mentioned in clause (b) of that sub-section and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect, of jurisdiction in the court of first instance or lower Appellate Court.

(3) If the objection was taken in that manner and the Appellate Court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the court with respect to the hearing of appeals: but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an Appellate Court shall, so far as they can be made applicable, apply to a court exercising revisional jurisdiction under S.622 of the Code of Civil Procedure, 1908 or other enactment for the time being in force.

(5) This section <sup>1</sup> [ \* \* \* ] shall come into force on the first day of July 1887.

"We have so amended section 11 (section 5 value, and we have made the provisions of of the Bill as introduced) as to give the appeal- the section applicable to an appellate Court late Court a discretion as to proceeding with apply also to a Court exercising revisional an appeal in a suit which was instituted in jurisdiction."- S.C.B. a Court without jurisdiction as regards the

1. The words "extends to the whole of India except Part B States and" were omitted by 2 A.L.O., 1856 (1-11-1956).

## **12. Proceedings pending at commencement of Parti or Part**

**II :-**

Nothing in Part I or Part II shall be construed to affect the jurisdiction of any Court-

(a) with respect to any suit instituted before rules under Part I applicable to the valuation of the suit take effect, or Part II has come into force, as the' case may be, or

(b) with respect to any appeal arising out of any such suit.