



CNR: KAHC010027142021

NC: 2026:KHC:42850
W.P. No.1408/2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.1408/2021 (GM-CPC)

BETWEEN:

MS. JUDITH SWATHI PRAKASH ROYAN
D/O MR. TENCHOLAI PUSHPA
PRAKASH ROYAN
AGED ABOUT 32 YEARS
R/AT NO.3, 15THMAIN
13TH CROSS, BEHIND BKF
PADMANABHANAGAR
BENGALURU 560 070.

...PETITIONER

(BY SRI. S.G. HEGDE, ADV.,)

AND:

1. MR. B.S. RAVIKUMAR
SON OF LATE SUBRAMANI
AGED ABOUT 48 YEARS.
2. MR. B.S. CHANDRASHEKAR
S/O LATE SUBRAMANI
AGED ABOUT 46 YEARS.

BOTH ARE R/AT BAGALUR VILLAGE
JALA HOBLI, YELAHANKA TALUK
BENGALURU URBAN DISTRICT 560063.

3. STATE OF KARNATAKA
REVENUE DEPARTMENT
VIDHANA SOUDHA
BENGALURU

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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REP. BY ITS SECRETARY.
[IMPLEADED V/O/DTD:25.01.2021]

...RESPONDENTS

(BY SRI. SANTOSHRAJ DESHMUKH, AGA FOR R3
V/O/DTD:25.01.2021, NOTICE TO R1 & R2 IS D/W)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER, DTD. 11.01.2021 ANNEX-F PASSED IN FR. O.S.NO.1117/2020 ON THE FILE OF SENIOR CIVIL JUDGE, AT DEVANAHALLI. DIRECT THE COURT BELOW TO REGISTER THE SUIT FILED BY THE PETITIONER AND TO TAKE TO FURTHER STEPS TO REGISTER THE SUIT AND TO PROCEED WITH THE MATTER ON MERIT & ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED ON 17.08.2026, COMING ON FOR PRONOUNCEMENT OF ORDER, THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV ORDER

This petition is filed challenging the order dated 11.01.2021 passed in OS.No.333/2021 by the III Additional Senior Civil Judge and JMFC, Devanahalli (for short 'the Trial Court').

2. Sri.S.G.Hegde, learned counsel appearing for the petitioner submits that the Trial Court has committed a grave error in directing the plaintiff to compute the Court



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Fee on valuation of Rs.20,00,000/- as shown by them in the plaint. It is submitted that the plaintiff has not shown the value of Rs.20,00,000/- anywhere in the plaint and for the purpose of jurisdiction, the suit is valued at Rs.11,00,000/- and a fixed Court fee is paid under Section 24(d) of the Karnataka Court Fee and Suits Valuation Act, 1958 (hereinafter referred to as 'the Act'), by valuing the suit at Rs.1,000/-. It is further submitted that for the relief of injunction, the fixed Court fee of Rs.25/- is paid, however, the Trial Court has erroneously understood the provision of law and passed the impugned order. It is also submitted that the plaintiff is liable to pay the Court fee under Section 24(d) of the Act, as the relief sought in the plaint is for declaration that the judgment and decree in O.S.No.222/2014 is a nullity under the law and there is no value mentioned in the decree, hence, Section 24(d) of the Act is applicable as the suit is valued at Rs.1,000/-. It is contended that though the relief sought in the plaint is for declaration as well as injunction, the said relief of



injunction is an independent relief, not consequential to the relief of declaration, therefore, Section 24(b) of the Act, would not be attracted for the purpose of computation of Court fee and the Court fee is rightly computed and paid under Section 24(d) and Section 26(c), respectively. In support of his contentions, he placed reliance on the decision of this Court in the case of **JAWARE GOWDA AND ANOTHER Vs. BASVARAJU N J AND OTHERS¹** and **SUHRID SINGH ALIAS SARDOOL SINGH Vs. RANDHIR SINGH AND OTHERS²**. Hence, he seeks to allow the petition.

3. The learned Additional Government Advocate appearing the respondent No.3 supports the order of the Trial Court and seeks to dismiss the petition.

4. I have heard the arguments of the learned counsel for the petitioner, the learned Additional

¹AIR 2016 KAR 58

²(2010) 12 SCC 112



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Government Advocate for the respondent No.3 and meticulously perused the material available on record.

5. The petitioner filed the suit against respondent Nos.1 and 2 seeking for the following reliefs:

"a. Declaring that, the Judgement and Decree dated 09-06-2016 passed in OS.No.222/2014 on the file of Senior Civil Judge & JMFC at Devanahalli is not binding on the Plaintiff as the same is nullity under law,

b. Permanent injunction restraining the Defendants, their agents or any persons claiming on behalf of them from interfering with the peaceful possession and enjoyment of the Plaintiff over the Schedule Properties,

c. And to grant such other relief which this Hon'ble Court deems fit circumstance of the case including the cost of the proceedings in the interest of Justice and equity."

6. The material on record indicates that the plaintiff valued the suit for Court fee at Rs.1,000/- under Section 24(d) of the Act and valued the suit for the purpose of jurisdiction at Rs.11,00,000/-. The plaintiff paid a fixed Court fee of Rs.50/- for the relief of declaration and a fixed Court fee of Rs.25/- for the relief of permanent injunction. The Trial Court, under the



impugned order, after hearing the plaintiff, recorded a finding that the plaintiff herself had shown and valued the suit property at Rs.20,00,000/- for the purpose of jurisdiction and Section 24(d) of the Act makes it abundantly clear that when the valuation is made under the said provision, the Court fee shall be computed on the amount at which the relief sought is valued in the plaint or on Rs.1,000/-, whichever is higher. The Trial Court further held that the plaintiff was required to pay the Court fee on the valuation of Rs.20,00,000/-.

7. To appreciate the contentions raised by the learned counsels, it would be useful to refer to the relevant Sections of the Act as under:

*"Section 7 - **Determination of market value.**- (1) Save as otherwise provided, where the fee payable under this Act depends on the market value of any property, such value shall be determined as on the date of presentation of the plaint.*



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(2) The market value of land in suits falling under Sections 24(a), 24(b), 26(a), 27, 28, 29, 31, 35(1), 35(2), 35(3), 36, 38, 39 or 45 shall be deemed to be,-

(a) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such an estate and is recorded in the Deputy Commissioner's register as separately assessed with such revenue and such revenue is permanently settled – twenty-five times the revenue so payable.

(b) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid, and such revenue is settled, but not permanently-twelve and a half times the revenue so payable.

(c) where the land pays no such revenue, or has been partially exempted from such payment, or is charged with any fixed payment in lieu of such revenue,- fifteen times the net profits if any from the land during the year next before the date of presenting the plaint or



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thirty times the revenue payable on the same extent of similar land in the neighbourhood, whichever is lower;

(d) where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as above mentioned or the land is a garden or the land is a house site whether assessed to full revenue or not, or is land not falling within the foregoing description- the market value of the land."

*Section 24. **Suits for declaration.**- In a suit for declaratory decree or order, whether with or without consequential relief, not falling under Section 25,-*

(a) Where the prayer is for a declaration and for possession of the property to which the declaration relates, fee shall be computed on the market value of the property or on [rupees one thousand], whichever is higher;

(b) Where the prayer is for a declaration and for consequential injunction and the relief sought is with reference to any immovable property, fee shall be computed on one-half of



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the market value of the property or on [rupees one thousand], whichever is higher;

*[(c) *****];*

(d) in other cases, whether the subject matter of the suit is capable of valuation or not, fee shall be computed on the amount at which the relief sought is valued in the plaint or on [rupees one thousand] whichever is higher.

*Section 50. **Suits not otherwise provided for.**- (1) In a suit as to whose value for the purpose of determining the jurisdiction of courts, specific provisions is not otherwise made in this Act or in any other law, value for that purpose and value for the purpose of computing the fee payable under this Act shall be the same:*

[Provided that notwithstanding anything contained in sub-section (2) of Section 7, the value of land specified in clause (a), (b) or (c) of the said sub-section shall, for purposes of determining the jurisdiction of courts be the market value of such land].



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(2) In a suit where fee is payable under this Act at a fixed rate, the value for the purpose of determining the jurisdiction of courts shall be the market value or where it is not possible to estimate it at a money value such amount as the plaintiff shall state in the plaint.

8. Section 24 of the Act, indicates the computation of the Court fee, when the relief sought is for declaration. In the instant case, the relief is neither declaration and possession nor declaration and consequential injunction, hence, Sections 24(a) and 24(b) would not be attracted. Therefore, Section 24(d) would be attracted to the instant case as the relief is seeking for declaration that the decree is nullity. However, it is to be noticed that the petitioner has filed a valuation slip indicating two separate valuations i.e. Rs.1,000/- for valuation of suit relief and Rs.11,00,000/- for the valuation of the jurisdiction. Section 50 of the Act, clearly indicates that the valuation for the purpose of computation of Court fee and for jurisdiction shall be one and the same, except when the



Court fee payable is at a fixed rate or when the Court fee is computed under Section 7(2)(a), (b) and (c) of the Act. In the instant case, the relief sought does not fall within either of the exceptions and is squarely covered by Section 24(d) of the Act, which indicates that the Court fee shall be computed on the amount at which the relief sought is valued in the plaint or on Rs.1,000/-, whichever is higher. In the instant case, the plaintiff has clearly valued the suit at Rs.11,00,000/-. Hence, the petitioner-plaintiff cannot value the suit for the purpose of Court fee and for the purpose of jurisdiction differently.

9. The decision of the Hon'ble Supreme Court in the case of **SUHRID SINGH ALIAS SARDOOL SINGH** referred *supra*, has no application to the facts on hand, as in the said decision, the Hon'ble Supreme Court has considered the computation of the Court fee payable by distinguishing the relief of declaration from the relief of cancellation of an instrument. In the case on hand, it is



not in dispute that the petitioner-plaintiff is seeking a declaration that the judgment and decree in O.S.No.222/2014 is nullity under the law and it is not the case of anyone that the relief amounts to cancellation of a decree. Hence, the Court fee is liable to be paid under Section 24 of the Act, as the relief sought is for declaration that the decree is nullity.

10. Insofar as the decision of this Court in the case of **JAWARE GOWDA AND ANOTHER**, referred *supra* is concerned, it was held that Section 38 of the Act, is attracted but since no value is mentioned in the instrument, the suit could not be valued under Section 38 of the Act and hence, Section 24(d) of the Act, would be attracted. In the case on hand, the plaint clearly indicates the value of the suit as Rs.11,00,000/- and the petitioner herself is contending that Section 24(d) of the Act, is applicable to the case on hand, hence, the aforesaid decision would not be applicable to the instant case.



11. Furthermore, the learned counsel for the petitioner contends that the relief in the plaint is for both declaration as well as injunction, however, the relief of injunction is independent and not consequential to the relief of declaration. I am of the considered view that the said contention of the petitioner is required to be accepted, as the petitioner has computed the Court fee for the relief of injunction and paid the fixed Court fee under Section 26(c), which does not call for interference.

12. However, it is to be noted that the Trial Court has erred in considering the valuation of the suit at Rs.20,00,000/- as the perusal of the plaint as well as the valuation slip indicate the value to be Rs.11,00,000/- and not Rs.20,00,000/-. Hence, the impugned order passed by the Trial Court is required to be interfered with, to the aforesaid extent.

13. For the aforementioned reasons, the writ petition is ***disposed of***.



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The impugned order dated 11.01.2021 passed in OS.No.333/2021 by the III Additional Senior Civil Judge and JMFC, Devanahalli is hereby set aside.

The petitioner-plaintiff is directed to compute the Court fee for the relief of declaration under Section 24(d) of the Act at the value stated in the plaint i.e. Rs.11,00,000/- and pay the requisite Court fee within a period of 3 months.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK/RV
List No.: 1 Sl No.: 1