

12/01/2015, has held that the question of limitation cannot be regarded as a preliminary issue for the purposes of Section 9A of the CPC. In this view of the matter, it cannot be said that the learned Civil Judge has committed any jurisdictional error.

3. The second preliminary objection concerns valuation of the suit and the consequent pecuniary jurisdiction of the Court. In this regard, the learned Civil Judge has held that the suit, *inter alia*, seeks 1/8th share of the ancestral property. The ancestral property having been acquired by the State Government, 12.5% of the extent thereof, came to be allotted to the family. Further, the portion of the acquired property has been given on lease by the CIDCO to Respondent Nos.1 to 21. In this view of the matter, the learned Civil Judge has held that the Respondents-Petitioners were, in fact, claiming their share as per their statutory right. Taking into consideration all such circumstances, the learned Civil Judge has held that there is neither any under-valuation nor any lack of pecuniary jurisdiction.

4. The reasoning employed by the learned Civil Judge is correct. In the present case, the consideration of Rs.11,89,75,000/- is really not relevant in the context of valuation of the suit claim. This is not a case where the valuation has been undertaken in an arbitrary or fanciful manner. Accordingly, there is no jurisdictional error in the impugned order.

5. This Civil Application is accordingly dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)