

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.3556 of 2015

Date: 22-12-2015

Between:

Gunji Adi Seshu and another

.... Petitioners

AND

Pinninti Sridhar

.... Respondent

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.3556 of 2015

ORDER:

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Heard the learned counsel for the petitioners and the learned counsel for the respondent.

A short, but, important point arises for consideration in the present Civil Revision Petition.

The petitioners herein are the defendants in O.S.No.135 of 2005 on the file of VII Additional District and Sessions Judge, Visakhapatnam. They are husband and wife. The respondent herein filed the said suit for cancellation of sale deed dated 26-07-2002 executed by the 1st defendant in favour of the 2nd defendant on the strength of the registered sale agreement/Power of Attorney dated 31-12-2001. The sale deed was executed for an amount of Rs.5,00,000/- but the suit was filed valuing the suit at Rs.24,37,500/-. The evidence was completed in the suit and it is coming up for arguments. At that stage, the petitioners herein filed

I.A.No.816 of 2015 under Order 7 Rule 10 read with Section 151 CPC praying the Court to return the plaint for presentation before proper court on the ground that the value of the suit is Rs.5,00,000/- as mentioned in the sale deed and the suit is to be presented before the competent court of Senior Civil Judge. The petitioners stated that as per Section 15 of CPC, every suit shall be instituted in the court of the lowest grade competent to try it. The respondent filed a counter stating that the suit was filed before a competent court, which has got jurisdiction to try the same. The petitioners have been consistently trying to stall the proceedings of the suit by resorting to all kinds of dilatory tactics. Earlier, they filed I.A.No.710 of 2011 for amendment of the plaint and the said application was dismissed on 22-06-2012. C.R.P.No.3338 of 2012 filed against the said order also ended in dismissal on 02-06-2014. Thereafter, I.A.No.2336 of 2014 seeking to recall PW.1 for further cross-examination on two issues was filed and the same was dismissed on 02-03-2015 and against the said order, C.R.P.No.1141 of 2015 was filed before this Court and it was also dismissed on 17-04-2015. After dismissal of the said C.R.P., the present application is filed. Thus, at the stage of arguments attempts are being made for stalling the disposal of the suit. The respondent is a retired Superintending Engineer in R & B Department and he is aged about 75 years.

While upholding the contentions of the learned counsel for the petitioners on the basis of the judgment reported in **Polamrasetti Manikyam and another v. Teegala Venkata Ramayya and another**^[1], the Court below held that it has no retrospectivity in interpreting Section 37 of the Andhra Pradesh

Court Fees and Suits Valuation Act, 1956 (for short “the Act”) and the Court has got jurisdiction above the value mentioned in the suit. Accordingly, it dismissed the petition by order dated 31-07-2015. The present Civil Revision Petition is filed challenging the said order. The decree drafted in pursuance of the order states that the suit is dismissed and this Court considered the same as a mistake in drafting the decree.

Now the point for consideration is whether the suit for cancellation of a sale deed at value of Rs.5,00,000/- is maintainable before the Court of Additional District and Sessions Judge or it should be returned for presentation to the Court of Senior Civil Judge, who has got jurisdiction in respect of the suits of the value of Rs.5,00,000/-

The facts in the case are admitted and there is no dispute with regard to the same. As stated above, the sale deed was valued at Rs.5,00,000/-, whereas the suit was valued at Rs.24,37,500/-and it was stated to have been valued as per Section 37 of the Act. The evidence in the case was completed and it is coming up for arguments.

The learned counsel for the petitioners submitted that the interpretation placed by the Court below on the decision of the Supreme Court reported in **Polamrasetti Manikyam and another v. Teegala Venkata Ramayya and another** (1 supra) stating that it has got no retrospective effect is not correct and the order is liable to be set aside. The learned counsel for the respondent, on the other hand, submitted that even assuming that the suit was filed in higher court showing higher valuation, the court does not loose jurisdiction to try the suit. He relied on various decisions including a Full Bench judgment of this Court in **K. Venkateswarulu and**

others v. S. Satyanarayana and others^[2], a Division Bench judgment of this Court reported in **Dronavajjula Vidyamba v. Vallabhajosyula Lakshmi Venkayamma**^[3], a Full Bench judgment of this Court in **M/s. Coramandal Fertilisers Ltd., rep. by its Managing Director, Visakhapatnam v. P. Venkatarami Reddi, Agricultural Officer and another**^[4], **Motichand Jain v. Jaikumar M. and others**^[5], **J. Venkatramana Reddy v. Kanakagari Bhakthavatsalaiah and another**^[6] and **Garikapati Veeraya v. N. Subbiah Choudhry and others**^[7].

Section 37 of the A.P. Court Fees and Suits Valuation Act reads as follows:

“37 Suits for cancellation of decrees, etc:-

(1) In a suit for cancellation of a decree for money or other property having a money value, or other document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest in money, movable or immovable property, fee shall be computed on the value of the subject -matter of the suit, and such value shall be deemed to be-

(a) if the whole decree or other document is sought to be cancelled, the amount or value of the property for which the decree was passed or other document was executed;

(b) if a part of the decree or other document is sought to be cancelled, such part of the amount or of the value of the property.

(2) If the decree or other document is such that the liability under it cannot be split up and the relief claimed relates only to a particular item of property belonging to the plaintiff or to the plaintiffs share in any such property, fee shall be computed on the value of such property or share or on the amount of the decree, whichever is less

Explanation: A suit to set aside an award shall be deemed to be a suit for cancellation of a decree within the meaning of this section.”

A reading of the above Section 37 (1) (a) makes it clear that the value for the purpose of court fee shall be the value of the property for which the document was executed. In this case, admittedly, the document was executed for an amount of Rs.5,00,000/-. No doubt, Section 15 of CPC states that every suit shall be instituted in the Court of lowest grade competent to try it. Sub-section (2) of Section 21 of CPC states that no objection as to competence of a Court with reference to the pecuniary limits of its jurisdiction shall be allowed by any Appellate or Revisional Court unless such objection was taken in the Court of first instance at the earliest possible opportunity, and, in all cases where issues are settled, at or before such settlement, and unless there has been a consequent failure of justice.

Obviously, the objection as to pecuniary jurisdiction of the Court was not taken at the earliest point of time and at the time of arguments, the present I.A.No.816 of 2015 is filed for rejection of plaint under Order 7 Rule 10 CPC. The application was obviously made based on the decision reported in **Polamrasetti Manikyam and another v. Teegala Venkata Ramayya and another** (1 supra). In view of the same, the said decision has to be considered first before considering the other decisions.

The facts of the said case are that the plaintiff filed O.S.No.114 of 2008 on 21-07-2008 before the Court of Junior Civil Judge, Kothavalasa to cancel the sale deed dated 02-08-2002. The value of the suit for the purpose of court fee and jurisdiction was shown as the value of the deed to be cancelled i.e. Rs.1,00,000/-. The court fee was paid under Section 37 of APCF and SV Act. The

defendant raised an objection before the Court stating that the Civil Judge has no jurisdiction to entertain the suit since the value of the property is more than Rs.1,00,000/- and the court fee has to be calculated on the current market value, but not as per the value shown in the document. The defendant relied on a decision of the Madras High Court in **Kolachala Kutumba Sastri v. Lakkaraju Bala Tripura Sundaramma** (AIR 1939 Madras 462) and **T.S. Rajam Ammal v. V.N. Swaminathan** (AIR 1974 Madras 152). The Court below upheld the objection raised by the defendant and accordingly it returned the plaint for presentation before proper court. Challenging the same, the plaintiffs filed C.M.A.No.2 of 2009 before the District and Sessions Judge, Vizianagaram. The said appeal was dismissed on 29-10-2009 upholding the order of the trial Court. Challenging the same, the plaintiffs filed C.R.P.No.2539 of 2010 before this Court and a learned single Judge of this Court, based on the above decisions of the Madras High Court and also a decision of a Division Bench of this Court in **Lakshminagar Housing Welfare Association v. Syed Sami**^[8] dismissed the revision petition. Though a review petition was filed based on the decisions of the Supreme Court reported in **Satheedevi v. Prasanna**^[9], it was also dismissed on 19-01-2011. The case went to the Supreme Court. The Supreme Court considered Section 37 of the Act and the decision in **Satheedevi v. Prasanna** (9 supra) interpreting Section 40 of Kerala Court Fees and Suits Valuation Act, 1959, which is *in pari materia* with Section 37 of the Act. The Supreme Court agreed with the view held in **Satheedevi v. Prasanna** (9 supra), which upheld the view of a learned single Judge of this Court in **Allam Venkateswara Reddy v. Golla Venkatanarayana**^[10] and the Division Bench judgment of Madras

High Court in **Venkata Narasimha Raju v. Chandrayya**.

In **Allam Venkateswara Reddy v. Golla Venkatanarayana** (10 supra), a learned single Judge of this Court, in a suit for cancellation of sale deed which was executed for a specified amount, held that the court fee has to be paid on that amount and not on the market value of the property at the presentation of the plaint. Thus, as on the date of filing of the suit in the year 2005, the decision of the learned single Judge in **Allam Venkateswara Reddy v. Golla Venkatanarayana** (10 supra) is holding the field and there is no confusion on this aspect of the matter so far as the courts in Andhra Pradesh are concerned. But, unfortunately, the defendant did not take up such objection at the earliest point of time and allowed the evidence to go on and it was completed. In those circumstances, in the absence of any complaint of prejudice, the suit need not be returned for presentation to the proper court in view of Section 21 (2) of CPC. Hence, the reasoning of the learned VII Additional District Judge, Visakhapatnam in the impugned order dated 31-07-2015 stating that the decision in **Polamrasetti Manikyam and another v. Teegala Venkata Ramayya and another** (1 supra) has no retrospective effect is not correct. Though the reasoning given by the learned District Judge for dismissing the application is not correct, the order can be upheld on other grounds.

In **K. Venkateswarlu and others v. S. Satyanarayana and others** ^[11], a Full Bench of this Court was considering the following questions:

- 1) *Is a Bench of two judges competent to hear a first appeal not exceeding Rs.7500/- in value, when it is not referred to it by a single Judge under R.1 of the*

Appellate Side Rules?

- 2) *In any case, what is the effect of the hearing of such an appeal by a Bench without objection having been taken by the parties to such hearing?*

The Full Bench held as follows:

“.....There are numerous authorities which establish that when in a suit, appeal or other proceeding which the Judge is competent to try, the parties without objection go to trial on the merits, they cannot subsequently dispute his jurisdiction on the ground that there were irregularities in the initial procedure, which if objected to at the time, would have led to the suit or appeal being heard elsewhere.

If the Court has inherent jurisdiction an objection to the irregular exercise of jurisdiction may be waived by the parties and the decree or order passed by the Court could not be challenged as a nullity. Though S.15 C.P.C., directs that a suit shall be instituted in the Court of the lowest jurisdiction competent to try it and though O.7 R.10 empowers a court to return a plaint at any stage of the suit to be presented to the court in which the suit should have been instituted, still it has been held that if a suit triable by a court of lower grade is tried and decreed by a court of a higher grade, the decree is perfectly valid.

The reason is that S.15 C.P. Code lays down a rule of procedure and not of jurisdiction and there is no ouster of the jurisdiction of the superior court in such cases. – Ratan Sen v. Suraj Bhau ILR (1944) All 20: AIR 1944 All 1) (F); - Matra Mondal v. Hari, ILR 17 Cal 155 (G); - Krishnasami v. Kanakasabhai, ILR 14 Mad 183 (H); - Mohini Mohan v. Kunja Behari Das 47 Cal WN 720: (AIR 1943 Cal 450) (I); - Nidhilal v. Mazhar Husain, ILR 7 All 230 (FB) (J); - Dakor Temple Committee v. Shankerlal, AIR 1944 Bom 300 (K). The position is similar where an appeal whose value is not over Rs.7500/- is heard and decided by a Division Bench of two Judges under R. 2 of the Appellate Side Rules without a reference by a single Judge under R. 1.

7. Section 99, C.P. Code provides that no decrees shall be reversed or substantially varied in appeal on account of any error, defect or irregularity in any proceedings in the suit not affecting the merits of the case or the jurisdiction of the Court. It has been held by the Judicial Committee that this rule is of general application and “proceeds upon a sound principle and is calculated to promote justice.” – Mohommed Hussain Khan v. Kishva Nandan, ILR (1937) All 655 at p. 655: (AIR 1937 PC 233 at p. 233) (L).

.....If an appeal against a decree not exceeding Rs.7,500/- in value is posted for hearing in the first instance before a Division Bench of two Judges without its being referred by a

single Judge under R.1 of the Appellate Side Rules, it is open to the Division Bench to direct the appeal to be posted before a single Judge in conformity with R.1.

If, however, the Division Bench proceeds to hear and decide the appeal, it does not act without jurisdiction and the decree and judgment of the Division Bench are not a nullity but will be valid and binding on the parties. It follows that the answer to the first question referred to the Full Bench must be in the affirmative. In this view, the second question does not call for an answer.....”

In Dronavajjula Vidyamba v. Vallabhajosyula Lakshmi

Venkayamma^[12], a Division Bench of this Court, among other issues, was called upon to decide an issue relating to the jurisdiction of the Subordinate Judge to try a suit which, in normal circumstances, would be triable by the District Munsif, but, while allowing the transfer of the suit from the Court of District Munsif to Principal Subordinate Judge’s Court, Bandar, the Court held as follows:

“.....The last contention that falls to be decided is whether the Subordinate Judge, to whom the suit was transferred under Section 24 C.P.C. from the District Munsif’s Court, had no jurisdiction at all to try the suit having regard to the provisions of Section 15 C.P.C. and therefore the decree passed by him is null and void. As the suit was rightly instituted in the District Munsif’s Court and was transferred by the District Judge for trial by the Subordiante Judge, the objection based on the terms of Section 15 C.P.C. does not at all arise.

Even otherwise, it cannot be held that the Subordinate Judge had no jurisdiction to try the suit. What Section 15 provides is that every suit shall be instituted in the Court of the lowest grade competent to try it. Competency, contemplated by the section, is only pecuniary competency, and it has been uniformly held by the Madras High Court starting with Augustine v. Medlycott ILR 15 Madras 241 (B), that there is no lack of jurisdiction for the superior court to try the suit.

The decisions of the Full Bench of the Allahabad High Court in Nidhi Lal v. Mazhar Hussain, ILR 7 All 230 (FB) (C), and the Calcutta High Court in Matra Mondal v. Hari Mohun Mullick, ILR 17 Cal 155 (D), have been followed. Sri Subrahmanyam, the learned advocate for the appellant, has not been able to point out a single decision of the Madras High Court dissenting from the decision in ILR 15 Mad 241 (B). His main argument was that the earlier

decisions of the Madras High Court in *Ramayya v. Subbarayudu*, ILR 13 Mad 25 (E), and *Velayudam v. Arunchala*, ILR 13 Mad 273 (F), sounding a different view were not discussed in ILR 15 Mad 241 (B).

It is not doubt true that no reference to those decisions was made in ILR 15 Mad 241 (B). In both those decisions, there is no discussion as to the scope and effect of Section 15 C.P.C., or a reference to the direct Full Bench decision of the Allahabad High Court in ILR 7 All 230 (HB) (C), taking a contrary view. When the question as to the interpretation of Section 15 came up for consideration in Gourachandra Patnaikudu v. Vikrama Deo, ILR 23 Mad 367 (G), it was held as follows:

“Even the provision has been held to be a rule of procedure and not of jurisdiction; a direction to the suitor and not an absolute rule binding on the Court (See ILR 7 All 230 (FB) (C). ILR 17 Cal 155 (D), Krishnasami v. Kanakasabai, ILR 14 Mad 183 (H): sound, and we doubt the correctness of the decision in ILR 13 Mad 273 (F).”

The latest decision of the Madras High Court on this point is reported in Ramamirtham v Rama Filim Service, AIR 1951 Mad 93 (FB) (I). The first question referred to the Full Bench in that case was “Whether S. 15 Civil P.C., governs chartered High Courts, and whether in view of it all suits below Rs.10,000/- in value should not be instituted direct in the City Civil Court?”

In dealing with this question, Satyanarayana Rao, J. Observed at page 95 as follows:

“While it enjoins the institution of a suit in the Court of the lowest grade competent to try it, it does not oust the jurisdiction of the Court of a Higher grade. Even if the Court of higher grade tries and disposes of a suit which could have been instituted in a Court of a lower grade, the decision referred is not without jurisdiction and is not a nullity. (See ILR 7 All 230 (FB) (C), ILR 17 Cal 155 (D), ILB 14 Mad 183 (H), and ILR 23 Mad 367 (G)”

Viswanatha Sastri J., also agreed with this view. At page 101, he observed that the object of section 15 C.P.C., was only to prevent superior courts being flooded or overcrowded with suits triable by Courts of inferior grade and that the section merely regulated procedure and not jurisdiction. He held that a Court of superior grade does not act without jurisdiction in trying a suit which, under Section 15 might and ought, by reason of its valuation, to have been tried by an inferior Court.....”

It also followed the Full Bench decision of this Court cited supra.

A later Full Bench of this Court in **M/s. Coramandal Fertilisers Ltd., rep by its Managing Director, Visakhapatnam v.**

P. Venkatarami Reddi, Agricultural Officer and another ^[13]

considered the issue relating to the power of the Chief Justice in the matter of constitution of Benches more particularly posting of matters before a Division Bench which, in the normal circumstances, would be heard by a Single Judge. It held as follows:

“..... From the above discussion, it is manifest that the Hon'ble the Chief Justice enjoys an inherent and unrestricted administrative power in the matter of constitution of Benches in the interests of administration of justice and that the hearing by a Division bench of a case which should be heard, ordinarily, by a single Judge, is not incompetent or without jurisdiction and that in any event a litigant has no right to be heard by any particular number of Judges.....”

In J. Venkatramana Reddy v. Kanakagari

Bhakthavatsalaiah and another^[14], a learned Single Judge of this Court was considering the issue relating to the limitation for the purpose of Section 14 of the Limitation Act and held as follows:

“.....61. It may be appropriate to deal with the case law also on this aspect.

62. In Nidhilal v. Mazhar Hussain, ILR 7 All 230, and Mirkhan v. Kadarsa, ILR 13 Mad 145 the Allahabad and Madras High Courts held that the exercise of jurisdiction by a Court of higher grade than is competent to try it is a mere irregularity.

63. In Matra Mondal v. Hari Mohun Mullick, ILR 17 Cal. 157, the Calcutta High Court through its judgment dated 22-7-1889 held that Section 15 of CPC does not preclude a Subordinate Judge from trying a suit within the jurisdiction of the Munsif Court. It was further held therein that had the reverse been the case i.e., if a case cognizable only by a Subordinate Judge had been in a Court of District Munsif, that would have been a case of want of jurisdiction.

64. In V. Ramaswami Iyer v. Veerarayan Raja and Anr., AIR 1941 Mad 711, a Division Bench of the Madras High Court while dealing with Section 15 of CPC, 1908 held that the presentation of the plaint to a Court which has no jurisdiction to try the suit cannot be said to be the institution of the suit, even though the plaint has been accepted as being in order and registered. Before a suit can be deemed to be "instituted" the plaint must be presented to a Court having jurisdiction. But, when a plaint is presented to a Court having jurisdiction and that Court accepts the plaint as being in order it must be held that the suit has been instituted. Because at some later stage as the result of a finding of fact on the question of the value of the subject-matter of the suit it was found that the plaint should have been presented to another Court having jurisdiction and that the plaint is returned for presentation in that Court, it does not mean that the suit has not been instituted. When a plaint has been presented to a Court having jurisdiction, a

transfer of the case to another forum cannot mean the cancellation of the "institution."

65. In the case covered by the above decision, the plaint was presented before the Subordinate Judge, who had jurisdiction to try the same, but by virtue of Section 15 CPC the suit shall be instituted in the lowest Court competent to try it. The Court further held that the Subordinate Judge ought to have heard and decided the suit and the decree passed by him would have had full validity and the presentation of the plaint in the Sub-Court is valid presentation.

66. In *Bhuwaneswari Kuar v. Raghubansh Mani Prasad Narayan Singh*, AIR 1954 Pat 34, a Division Bench of the Patna High Court while dealing with Section 15 CPC held that [Section 15](#) and Order 7, Rule 10 CPC are not imperative in their character and the Court of higher grade has a discretion either to return the plaint or not to return the plaint for being presented to the Court of the lower grade. The Court of higher grade cannot be said to have committed any illegality in the exercise of its jurisdiction. The Court further observed that there is nothing in the language of [Section 15](#) or Order 7, Rule 10 to suggest that the jurisdiction of the Court of the higher grade is ousted and the Additional District Judge, Patna did not commit any material irregularity in the exercise of his jurisdiction in refusing to return the plaint under Order 7, Rule 10 CPC.

67. In *M. Krishnamurthy (supra)* this Court held that when a plaint is returned by a superior Court to a lower Court, it is not, strictly speaking, a case of want of jurisdiction, because the superior Court is not without jurisdiction to entertain it, it acts only in conformity with the provision of [Section 15](#), which requires that 'a suit shall be instituted in the Court of the lowest grade competent to try it.' The position is different when a suit which ought to be filed in a superior Court is instituted in the lower Court.

68. In *J.K. Sarma v. K.S. Ramachandra Setty*, AIR 1964 Mysore 248, the Mysore High Court while dealing with [Section 15](#) and Order 7, Rule 10 CPC held that a suit under the [Negotiable Instruments Act](#) must be instituted in the Court of lowest grade. If the suit is instituted in a Court of higher grade, although the Court of higher grade is also competent to try the suit, it may entertain and try the suit or return the plaint for presentation before the Court of the lowest grade, and the plaintiff cannot, in view of Section 15 CPC., compel the Court to entertain the suit.

69. In *Balgonda Appanna v. Ramgonda Shivgonda*, ILR 1970 Bom 815, the Bombay High Court held that it is well established that as a matter of procedure the higher Court will not entertain the suit, but should return the plaint to the plaintiff for being presented in proper Court, as provided in Order 7, Rule 10 CPC.

70. In *Mohd Sali v. M.G. Ferando*, the Madras High Court held that it is discretionary for the higher Court to determine a plaint or to try itself. When a plaint filed in a Court is returned on the erroneous finding that the Court has no jurisdiction, that later the plaint is presented to proper Court beyond time, the suit must be held to have been filed on the date the plaint was presented in the original Court.

71. In *Laxmi Bai v. Kamalaksha G. Nayak*, the Karnataka High Court held that [Section 15](#) is a rule of convenience and is not intended to deprive the superior Court of its jurisdiction. If the Court of Civil Judge passes an order or judgment in a suit, which otherwise falls within the pecuniary jurisdiction of a Munsif, then such order or judgment would not null and void and it can be set aside in appeal or revision only if the objection regarding the pecuniary jurisdiction has been taken at the earliest possible time, and if such order or judgment has resulted in

failure of justice.

72. In the light of the above legal position, I would like to conclude that the Sub-Court, Tirupathi where the complaints were presented at the first instance do not suffer from lack of inherent jurisdiction to entertain the suits and the Sub-Court, Tirupathi or the Sub-Court at Srikalahasthi cannot be termed as wrong Courts for the purpose of [Section 14](#) of the Limitation Act, 1963. The Sub-Court may exercise an option either to try the suit or to return it for presentation before the Court of the lowest pecuniary jurisdiction. Since the Sub-Court is also competent to try the suit and granted time for presentation of the complaint before the Court of the lowest grade, the time taken by the plaintiff in presenting the complaint in the Court of the lowest grade will not make OS No. 193 of 1984 barred by limitation and the date of the first institution of the suit before the Sub-Court shall be treated as the date of presentation of the complaint for the purpose of limitation. Hence the suit covered by OS No. 193 of 1984 is not barred by limitation.....”

In the said case, the suit was filed in the Sub-Court, Tirupathi, instead of Principal District Munsif Court, Srikalahasthi, which was lowest court of the pecuniary jurisdiction. Later, on an application filed by the plaintiff, the suit was transferred to the Court of District Munsif, Kalahasthi and then the issue of limitation came up for consideration. The decision in **Motichand Jain v. Jaikumar M. and others** ^[15] is the decision relating to the point of right of appeal vested in Appellate Court. In the present case, we are not concerned with the same. Similarly, **Garikapati Veeraya v. N. Subbiah Choudhry and others** ^[16] is also a case dealing with the right of appeal with which we are not concerned for the time being.

In the light of above decisions, though the suit was filed wrongly in the Court of the District and Sessions Judge, Visakhapatnam on the basis of the market value of the property of Rs.24,37,500/- instead of value of the property mentioned in the sale deed at Rs.5,00,000/-, in the absence of any prejudice to the defendant by continuing the suit in a higher Court, it cannot be held that the higher court lacked inherent jurisdiction to try the suit. Thus, though the reasoning adopted by the trial Court is wrong, the dismissal of the petition is upheld. Hence, the Civil Revision Petition is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 22-12-2015

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[\[1\]](#) (2014) 5 SCC 603

[\[2\]](#) AIR 1957 AP 49

[\[3\]](#) AIR 1958 AP 218

[\[4\]](#) 1997 (5) ALT 509 (FB)

[\[5\]](#) AIR 2004 AP 136

[\[6\]](#) 2002 (6) ALD 402

[\[7\]](#) AIR 1957 SC 540

[\[8\]](#) (2010 (5) ALT 96)

[\[9\]](#) (2010 (5) SCC 622)

[\[10\]](#) AIR 1975 AP 122

[\[11\]](#) AIR 1957 AP 49

[\[12\]](#) AIR 1958 AP 218

[\[13\]](#) 1997 (5) ALT 509 (FB)

[\[14\]](#) 2002 (6) ALD 402

[\[15\]](#) AIR 2004 AP 136

[\[16\]](#) AIR 1957 SC 540