

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.2092 of 2018

ORDER:

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.22-09-2017 in I.A.No.92 of 2017 in O.S.No.313 of 2008 of the Additional Senior Civil Judge, Madanapalle.

2. Petitioners are defendant Nos.7 to 12 in the said suit. They are legal representatives of defendant No.4, who died after the suit was filed.

3. Issues had been framed, after written statement had been filed by all the original defendants; the matter is now posted for trial, and cross-examination of P.W.1 is to go on.

4. At that stage, the petitioners filed I.A.No.92 of 2017 under Section 11 of the A.P.Court Fee and Stamp Valuation Act, 1908 (for short the "Act") praying the trial Court to first decide the objection relating to pecuniary jurisdiction raised by them in their written statement filed on 21-11-2016 before trying the suit.

5. The Court below passed orders on 22-09-2017 rejecting the said application holding that the suit is filed in 2008 and valued as per the Market Value certificate of the year 2008; 4th defendant has not taken any such plea in his written statement that the Court had no pecuniary jurisdiction; and therefore there is no merit in the plea.

6. Though learned counsel for petitioners sought to contend that as per the provisions of Section 11 of the Act, objection as to pecuniary jurisdiction ought to be decided and that it was wrongly decided by the Court below, having regard to the fact that the suit is of the year 2008 and trial has commenced almost 10 years later, I am not inclined to interfere with the order passed by the Court below.

7. However, since admittedly an issue relating to pecuniary jurisdiction of the Court has been framed by the Court below, the Court below shall decide the said issue along with other issues uninfluenced by the impugned order passed by it on 22-09-2017.

8. Accordingly, the Civil Revision Petition is dismissed at the stage of admission. No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-04-2018

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