

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.1499 of 2019**

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Sayed Khalique Rasool, male, aged about 46 years, S/o Sayed Sadique Rasool, resident of Mohalla- Rekabganj, P.O. and P.S.- Tekari, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Collector, Gaya, District- Gaya.
2. The Anchal Adhikari (Circle Officer), Tekari, District- Gaya.
3. Ambika Pandit, S/o Chandradeep Pandit, Resident of Village- Dadhan, Tola Pokhra, P.S.- Belaganj, District- Gaya.
4. Md. Ishrail, S/o Ramjani Mian Resident of Mohalla- Nanda Bigha, P.O. and P.S.- Tekari, District- Gaya, at present of residing at Mohalla- Taj Nagar, P.O.- Azad Nagar, P.S.- T.O.P., District- Singhbhum (Jharkhand).

... .. Respondents

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**Appearance :**

For the Petitioner : Mr. Ravindra Kumar Sinha-Advocate  
For the Respondents : Mr. Md. Khursid Alam ( AAG-12 )

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**

**18-10-2019**

The delay of 33 days caused in refiling of the application is hereby condoned.

2. Heard learned counsel for the petitioner.

3. This application under Article 227 of the Constitution of India has been filed by the petitioner for setting aside the order dated 24.07.2019 passed by the learned Munsif- III, Gaya in Title Suit No.3035 of 2013 by which the application dated 11.06.2019 filed on behalf of the petitioner has been rejected.

4. The said suit has been brought by the plaintiff seeking reliefs for declaration of title over the suit land and



declaration of the registered sale deed dated 06.05.2013 bearing no.1939 in the name of petitioner void, ab initio as well as costs of the suit.

5. The plaintiff had valued the suit at Rs.25,000/- for the purpose of jurisdiction of the Court.

6. The petitioner, who is defendant no.3 in the suit, had filed the application on 11.06.2019 stating therein that the plaintiff has deliberately undervalued the suit, as the valuation of the suit property is more than Rs.5,00,000/-. The pecuniary jurisdiction of the Court of Civil Judge (Junior Division) extends to all suits of which the value does not exceed Rs.1,50,000/-.

7. On the basis of aforesaid pleadings, the petitioner contended that the plaintiff has deliberately and intentionally by playing fraud brought the suit in the Court of Civil Judge (Junior Division). Hence, the same is fit to be dismissed on the point of pecuniary jurisdiction of the Court.

8. Having considered the rival submissions made by the parties, the learned Munsif rejected the application filed by the petitioner dated 11.06.2019 vide impugned order dated 24.07.2019.

9. Being aggrieved by the impugned order dated



24.07.2019, the instant application has been filed by the petitioner under Article 227 of the Constitution of India.

10. Mr. Ravindra Kumar Sinha, learned counsel for the petitioner submitted that while passing the order impugned, the Court below failed to appreciate that the valuation of the suit land was over 5 lacs, but the plaintiff deliberately undervalued the suit in order to avoid payment of court fee and create jurisdiction in the court, which has no jurisdiction to deal with cases where suit value exceeds Rs.1,50,000/-. He contended that the Court below also failed to appreciate that the plaintiff himself admitted in cross-examination that the value of the suit land is Rs. five lacs.

11. Having heard learned counsel for the petitioner and perused the materials on record, I find from the order impugned that the plaintiff had contested the application by way of filing a rejoinder on 22.06.2019 wherein he had stated that the suit was filed in the Year 2013 and the defendant no.3 also appeared in the suit in 2013 itself, but he did not raise any objection in respect of valuation of the suit to be decided as preliminary issue in the case. When the matter was on the verge of disposal after framing of issues and adducing evidences on behalf of the parties, the application dated 11.06.2019 was filed



whereby plea of under valuation of the suit has been taken for the first time. The plaintiff also pleaded that the suit land was purchased in the Year 1990 on payment of consideration money of Rs.10,000/- only and taking into account the market value, as existed in the Year 2013, the suit has been rightly valued at Rs.25,000/-.

12. The learned Munsif, after hearing the parties, returned his findings as under:-

*"I considered the submissions of both the parties of the case, as well as the rulings furnished by them. I also went through the statements as made by the plaintiff in paragraph 26 of his depositions, wherein he stated that the value of the suit properties more than 5 lakh rupees. In this regard, it is important to consider that nowhere from the depositions of the plaintiff, it is clear whether this value of the suit property, which he has mentioned was the value of the suit property at the time of his depositions or the value of the suit property at the time when the suit was instituted. The value of the suit property at the time of institution of the case is mainly to be looked into by the court. In the absence of any evidence to the contrary, this court cannot infer that the value of the suit property was more than 5 lakh rupees at the time of execution of the case and therefore beyond the pecuniary jurisdiction of this court. I concur with the rulings as put forward by the learned counsel of the plaintiff*



*that the court has no jurisdiction to interfere with the valuations as given by the plaintiff in the plaint, which is final and conclusive. In this regard, I would put forward the following rulings as observed in M/s Super Candles vs M/S Mahavir Candle Works in AIR 1997 Gau 57 (para 11):*

*“Order 7 rule 1(f) CPC and Suits Valuation Act requires that the suit must be valued by the plaintiff for the purpose of jurisdiction of the court and payment of court fees. The Suit Valuation Act describes the mode of valuing the suit is for the purpose of determining the jurisdiction with respect thereto. The valuation of the suit for the purpose of jurisdiction is regulated and governed by the averments made in the plaint. Jurisdiction does not depend on the result of a suit, but on the nature of the claim as broad and the jurisdiction is thus determined as stated by the plaintiff in the plaint irrespective of the result of the suit. As observed by the different courts, it is perfectly clear that when a suit is filed in civil court, the pecuniary jurisdiction of the code is primarily determined by valuation, which the plaintiff put up on the subject matter of the suit.” Hence, from what was decided in the aforesaid rulings, the averments as made in the plaint by the plaintiff has mainly to be looked into for the purpose of determining the valuation of the suit, rather than what was deposed by the plaintiff in his evidence. In case of determination of the valuation of the property by the plaintiff in plaint supported*



*by an affidavit, and in case of the statement made by the plaintiff during the cross-examination of the suit property; this court cannot lay more significance to the statement in cross-examination to that of the statement made in the plaint supported by an affidavit. Hence, from what was called discussed as above, I do not find anything to hold that the present suit property is undervalued and beyond the pecuniary jurisdiction of this court. Accordingly, the petition of the defendant is hereby rejected.”*

13. The plaintiff had put forward cogent ground to establish that the suit property was not undervalued in the plaint. In the Year 1990, when the suit land was purchased, the value was Rs.10,000/- only and, in Year 2013, it was correctly valued at Rs.25,000/-. Any further escalation in the value of the suit land would not be a ground for dismissing the suit on the ground of lack of pecuniary jurisdiction. Moreover, the petitioner has not brought any other material before the Court to suggest that the suit is undervalued.

14. Regard being had to the discussions made above, as also the fact that the issue of lack of pecuniary jurisdiction was raised at the fag end of the trial, I see no reason to interfere with the order impugned, which is otherwise neither perverse nor without jurisdiction in supervisory jurisdiction under Article 227 of the Constitution of India.



15. Accordingly, the application is dismissed.

**(Ashwani Kumar Singh, J)**

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