

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1617 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/plaintiffs, challenging the order, dated 04.07.2019, passed in I.A.No.693 of 2019 in O.S.No.1222 of 2019, by the II Additional Senior Civil Judge, Ranga Reddy district, whereby, the petition filed under Order VII Rule 11 read with Section 151 of CPC by the petitioners/ plaintiffs, requesting to reject counter claim of the respondent/defendant for non-disclosure of cause of action and undervaluation, was dismissed.

2. Heard the learned counsel for revision petitioners/plaintiffs, learned counsel for the respondent/defendant and perused the record.

3. The learned counsel for the revision petitioners/plaintiffs would contend that the revision petitioners/plaintiffs filed O.S.No.1222 of 2019 valuing the suit schedule property, i.e., Ac.0.11 guntas in Survey No.87/A, situated at Shamshabad Village, Grampanchayat and Mandal, Ranga Reddy District, at Rs.4,00,000/-. But the Court before which the suit was presented, enhanced the notional value of the suit schedule property from Rs.4,00,000/- to Rs.10,00,000/-. The respondent/defendant filed written statement along with a counter claim valuing the counter claim schedule property, i.e., Ac.4.10 guntas of land situated at Shamshabad Village, Rajendranagar Mandal, Ranga Reddy District, as Rs.4,00,000/- which is very less. When an extent of Ac.0.11 Guntas of suit land was

valued at Rs.10,00,000/-, the Court below ought to have proportionately valued the counter claim schedule property at Rs.1,54,54,545/-. But the Court below increased the valuation of the suit schedule property to Rs.12,00,000/- only, which is erroneous, and ultimately prayed to set aside the impugned order and consequently allow the subject Interlocutory Application as prayed for.

4. On the other hand, learned counsel for the respondent/defendant would contend that the respondent/defendant had valued the counter claim schedule property as per Section 26(c) of the Andhra Pradesh Court Fees and Suits Valuation Act, 1956 (for short, 'the Act'). The Court below, basing on the value of the counter claim schedule property, rightly valued the same as Rs.12,00,000/- and dismissed the subject interlocutory application. There is nothing to interfere with the order under challenge and ultimately prayed to dismiss the Civil Revision Petition.

5. As seen from the record, the learned counsel for the revision petitioners/plaintiffs did not raise serious dispute with regard to the rejection of counter claim, but urged that the valuation of the property in the counter claim fixed by the Court below at Rs.12,00,000/- is incorrect. The actual dispute in between the parties to the litigation is with regard to the extent of Ac.0.11 guntas of land in Survey No.87/A, situated at Shamshabad Village, Grampanchayat and Mandal, Ranga Reddy District. As per Section 26(c) of the Act, the parties can notionally value the subject matter of the suit for perpetual injunction. The Court below, in its discretion,

increased the value of counter claim schedule property from Rs.4,00,000/- to Rs.12,00,000/- and the same cannot be faulted, since the suit filed is for perpetual injunction. The Court below is justified in passing the impugned order and there is nothing to interfere with same. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

26th November, 2019
Vvr

Dr. SHAMEEM AKTHER, J

