

Order on Preliminary issue

This suit is filed by the plaintiff for partition and separate possession whereas defendants have taken contention in this written statement that, this court is not having pecuniary jurisdiction to try this matter the suit schedule property market value is more than the pecuniary jurisdiction of this court. On the very same point the plaintiff has filed affidavit of plaintiff Smt. Gouse bee, in her affidavit she had contended that, the suit schedule property is ancestral property succeeded by her in the year 1976 after death of her father and her mother died in the year 2015 till today the suit schedule property ROR is standing in the name of Rajahusen S/o Mardansab who is the father of the plaintiff and after death of plaintiff father she along with her brother defendants succeeded to the suit schedule property and she denies that this court is not having jurisdiction to try the matter because the market value of the suit schedule property is more than the pecuniary jurisdiction of this court.

2. In the cross examination of PW-1 deposed that, her marriage has been solemnized 50 years back and at the time of filing of this suit the suit schedule property market value of Rs.2,500/-. And Further she denies that the suit schedule property market value of Rs. 40 to 50 lakhs and she also denies that the market value of the suit property at the time of filing this suit was Rs.30,000/-. In order to prove the valuation of the suit schedule property the Ex.P-1 to 26 on going through those document it is noticed that as per Ex.P-1 the suit schedule property was purchased by the plaintiff father on 21.11.2000 for Rs.65,000/- wherein it is mentioned as Market value of Rs.38,000/- after purchased of the suit schedule property till today 25 years has been passed at yearly there is hike in the market value of the immovable property. Therefore comparing the market value of in Ex.P-1 this court is opinion that after lapse of 25 years now the market value would be more then 30 lakhs. Therefore this court had come to the conclusion this trial court is not having pecuniary jurisdiction try this case in hand. Therefore in order to avoid complication on pecuniary jurisdiction in future.

I proceed to pass the following ;

ORDER

This court is not having pecuniary jurisdiction to try this case in hand. Therefore office is hereby directed to return the plaint copy to the plaintiff and the plaintiff is hereby directed to present the case before jurisdictional court.

**(Smt. Triveni Iragar)
I Addl. Civil Judge & JMFC.,
Koppal.**