

**IN THE COURT OF V ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE AT BENGALURU**

Dated this the 24th day of September 2025

Present : **SRI.VEDAMOORTHY B.S.**, B.A.(L.), LL.B.,
XXXI Addl. City Civil & Sessions Judge, Bengaluru (CCH-14)
C/c V Addl. City Civil & Sessions Judge, Bengaluru (CCH-13)

O.S.No.26320/2013

PLAINTIFF : Smt.Sarojamma.

V/s

DEFENDANTS : Sri.Abdul Aleem & others.

i.	Provision under which the application is filed	Section 24(a) of the Karnataka Court Fees and Suit Valuation Act and under Section 151 of the Code of Civil Procedure.
ii.	Reliefs sought for	To direct the plaintiff to pay the Court fee on the market value of the suit schedule property on prayer No.i(a) and ii
iii.	The date on which the application is filed	15.07.2024
iv.	Number of the application	I.A.No.XII
v.	The date on which the objection is filed	13.08.2024
vi.	The date on which the order was passed on the said application	24.09.2025

ORDERS ON I.A.No.XII AND PAYMENT OF COURT FEE

The 1st defendant has filed I.A.No.XII under Section 24(a) of the Karnataka Court Fees and Suits Valuation Act and under Section 151 of the Code of Civil Procedure seeking an order to direct the plaintiff to pay the Court fee on the market value of the suit schedule property on prayer No.i(a) and ii.

2. In support of I.A.No.XII, the learned Counsel for the 1st defendant has filed Memorandum of Facts. The contentions of the 1st defendant is that the suit is not properly valued. The plaintiff ought to have been valued the suit under Section 24(a) of the Karnataka Court Fees and Suits Valuation Act and to pay Court fee in accordance with it.

3. The plaintiff has filed objections to I.A.No.XII praying to dismiss I.A.No.XII on the ground that the plaintiff has been dispossessed illegally by the 1st defendant in execution proceedings in Ex.No.25025/2013 in which, the plaintiff was not a party. The plaintiff has properly valued

the suit and paid the proper Court fee. The contention of the 1st defendant is false.

4. The plaintiff filed Memo, valuation slip and paid the Court fee of Rs.50/-.

5. The learned Counsels for the plaintiff and the 1st defendant have filed written arguments on I.A.No.XII and Payment of Court Fee. Heard the learned Senior Counsel Sri.Suresh Hokre for the plaintiff on I.A.No.XII and Payment of Court Fee.

6. The learned Counsel for the 1st defendant has relied the judgment of the Hon'ble High Court of Karnataka in the case between Sri.M.S.Nagesh V/s Sri.Srinivas dated 27.03.2024 in W.P.No.52600/2019.

7. Perused the materials available on record.

8. The following point that has been arisen for my consideration:

Whether the suit valued by the plaintiff is proper and Court fee paid by the plaintiff is sufficient ? If so, what order?

9. My answer to the above point is in the Negative for the following:

REASONS

10. Initially, the plaintiff has filed this suit against the sole defendant for permanent injunction not to put up construction on the suit schedule property except due process of law and mandatory injunction directing the defendant to restore the suit schedule property to the plaintiff. The suit schedule property is a site property measuring 677 square feet. Along with the plaint, the plaintiff filed the Valuation Slip valuing the suit under Section 26(d) of the Karnataka Court Fees and Suits Valuation Act and paid the Court fee of Rs.25/-. By an amendment, the plaintiff inserted the relief of declaration of title of the plaintiff on the suit schedule property and to declare that the Sale Deed dated 03.03.2014 executed by the 1st defendant in favour of defendants No.2 and 3 is not binding on the right, title and interest of the plaintiff. After amendment, the plaintiff filed the Valuation Slip valuing the suit schedule property under Section 26(c) of the

Karnataka Court Fees and Suits Valuation Act and paid the Court fee of Rs.50/-. On perusal of the reliefs claimed by the plaintiff and the Valuation Slips filed by the plaintiff along with payment of Court fee, it appears that the plaintiff ought to have been valued the suit under Section 24(a) of the Karnataka Court Fees and Suits Valuation Act and paid the Court fee in accordance with the said provisions of the Karnataka Court Fees and Suits Valuation Act. Because, the reliefs claimed by the plaintiff are declaration of title of the plaintiff on the suit schedule property, recovery of possession and permanent injunction. Section 26(c) of the Karnataka Court Fees and Suits Valuation Act is not applicable to the said reliefs. It is applicable only when the plaintiff sought the relief of injunction. When there is a relief of declaration in the suit, Section 24 of the Karnataka Court Fees and Suits Valuation Act is applicable. Therefore, the value of the suit made by the plaintiff is not proper and the Court fee paid by the plaintiff is not sufficient.

11. In the Order of the Hon'ble High Court of Karnataka dated 27.03.2024 in W.P.No.52600/2019 relied by the learned Counsel for the 1st defendant, it is held that

“8. When a suit is instituted in a Civil Court, the Court before ordering the plaint to be registered, shall decided the proper Court fee payable thereon. Which is however, subject to review or further review, and correction in the manner provided under sub-section (2) of Section 11 of the Act of 1958. Section 11(2) of the Act of NC: 2024:KHC:12998 1958 deals with a situation when the defendant by his written statement raises a contention that the Court fee paid is not sufficient and in that event, the Court would frame an appropriate question whether the Court fee paid thereon is sufficient or not and after recording evidence, the Court would determine what is the proper Court fee payable, and shall thereafter fix a date before which the deficit Court fee is made good by the plaintiff. If the Court fee is not paid by the plaintiff within the time allowed, the plaint may be rejected. Therefore, to determine the question whether the suit is properly valued and proper Court fee is

paid, the plaint shall be examined at two stages. At the first stage, when the suit is instituted and thereafter, when the defendant enters appearance and raises an issue regarding the Court fee payable. In the case on hand, the Trial Court did raise objection regarding the sufficiency of Court fee paid on the plaintiff. The defendant did not raise any objection in his written statement regarding the sufficiency of Court fee paid thereon.”

12. Though, the contention of the plaintiff is that in the execution proceedings, she has dispossessed from the suit schedule property, she ought to have been filed necessary application in the said proceedings for restoration of her possession and the said relief is available to the plaintiff in accordance with law. Therefore, the said contention is not helpful to the plaintiff not to value the suit in accordance with law. For the above reasons, I answer the above point in the Affirmative. In the result, I proceed to pass the following :

ORDERS

I.A.No.XII filed by the 1st defendant under Section 24(a) of the Karnataka Court Fees and Suits Valuation Act and under Section 151 of the Code of Civil Procedure is hereby allowed.

No order as to cost.

The plaintiff is hereby directed to file fresh valuation slip and to pay the Court fee as per Section 24(a) of the Karnataka Court Fees and Suits Valuation Act.

(Dictated to the stenographer, typed by her, printout taken, corrected and then pronounced by me in the open court today on this the 24th day of September 2025)

(VEDAMOORTHY B.S.)

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.

C/c V Addl. City Civil & Sessions Judge,
Bengaluru.