

KABG040023012017



24.06.2025

O.S.No.627/2017

The present suit is filed by plaintiffs against the defendants seeking the relief of declaration that the plaintiffs are absolute owners in possession of the suit schedule property by virtue of sale deed dated 27.02.1991 and the consequential relief of permanent injunction and mandatory injunction. Per contra, the defendants have taken contention in their written statement that the suit is not properly valued for the purpose of Court fee and jurisdiction. Accordingly, additional issues were framed on 13.02.2020 and the issues regarding valuation for the purpose of Court fee and regarding pecuniary jurisdiction have been framed and issues regarding pecuniary jurisdiction and Court fee have been heard as preliminary issues.

The defendants have produced valuation furnished by the Sub-Registrar which is as per Ex.

D.3. But however, the said notification mentioned therein is with effect from 01.01.2019, but the present suit is of the year 2017. The issue regarding pecuniary jurisdiction goes to the root of the matter in deciding whether this Court has got pecuniary jurisdiction to try the suit or not. As such, this Court also directed both parties to produce the Sub-Registrar valuation of the suit property as on the date of filing of suit. But however, both parties have not produced any such document before the Court.

Under Order XVI Rule 14 of C.P.C., it is enunciated that where the Court at any time thinks it necessary to examine any person including a party to the suit and not called as witness by a party to the suit, the Court may, of its own motion, cause such person to be summoned as a witness to give evidence or to produce any document in his possession, on a day to be appointed, and may examine him as a witness or require him to produce such document. In exercise of powers conferred on the Court under the said provision, this Court deems it necessary to summon the Sub-Registrar valuation of the suit property as on the date of filing of suit i.e.,

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in the year 2017 in order to decide the pecuniary jurisdiction of the Court in entertaining the present suit. Hence, I proceed to pass the following :

ORDER

Issue summons to concerned Sub-Registrar, Belagavi having jurisdiction over the area of Kangrali B.K., Azam Nagar, Belagavi, to produce or cause to be produced, the Sub-Registrar valuation of the suit properties i.e., Plot No.26 and 24 out of R.S.No.54/2 measuring 1 Gunta 5 Annas in all 132 sq.mtrs., and 2.44 Guntas in all measuring 2663.1 sq.ft., respectively, as on the date of filing of suit i.e., as on 22.06.2017.

Summons returnable by 09.07.2025.

**Prl. Civil Judge and J.M.F.C,
Belagavi.**