

ORDERS ON PRELIMINARY ISSUES

The present suit is filed by the plaintiff for the relief of partition and separate possession against the defendants and for other reliefs. On the other hand, the defendants have filed written statement and contended that this Court has no pecuniary jurisdiction to entertain the suit.

2. On the basis of pleadings of both the parties and hearing both parties, issues were framed on 20.07.2024 and issue No.5 was treated as preliminary issue.

Issue No.5

1. Whether this Court has pecuniary jurisdiction to entertain the present suit?

3. Heard advocate for plaintiff and defendants. Perused the materials on record.

4. This Court answers the above issue No.5 as follows, for the reasons stated here under:

Issue No.5:- In the affirmative

: REASONS:

5. Reasons for issue No.5: The plaintiff has filed the present suit claiming 1/4th share in suit property bearing RS No.371/2 measuring 02 acre 14 guntas situated at Elimunnoli Village, Hukkeri taluk. The defendants in the written statement have contended that the market value of suit property is worth Rs. 50,00,000/- and this Court do not have jurisdiction to entertain the present suit.

6. Considering the pleadings of both the parties, issues were framed on 20.07.2024 and issue No.5 was treated as preliminary issue.

7. In respect of value of suit property, the Sub-Registrar, Hukkeri has furnished guideline value in respect of the year 2022-23 for the properties situated in Elimunnoli Village. The RTC produced by the plaintiffs shows that, suit property is having Yarri soil (ಯರಿ). As per the market value furnished by Sub-Registrar, Hukkeri, 01 acre of Yarri land in Elimunnoli Village is worth Rs. 3,00,000/-. The suit schedule property is measuring 02 acre 14 guntas. Hence, considering the market value and measurement of suit property, the value of suit property is Rs.7,05,000/-.

8. The plaintiff has claimed 1/4th share in the suit property and considering the market value of suit property as per market value issued by Sub-Registrar,

Hukkeri, the 1/4th share of plaintiff would be worth Rs. 1,76,250/-. Even considering that, the existing market value is double the guideline value issued by Sub-Registrar, Hukkeri, the market value of suit property would be Rs.14,10,000/- and the value of 1/4th share of plaintiff would be worth Rs.3,52,500/-. Hence, considering the value of share of plaintiff, the share of plaintiff in suit property is below Rs.5,00,000/-.

9. As per Sec.17 of Karnataka Civil Court Act, this court do not have jurisdiction to try the suits, whose value exceeds Rs.5,00,000/-. Whereas in the present suit, the value of subject matter of the suit is below Rs.5,00,000/- and hence this court has got jurisdiction to entertain the present suit.

10. Hence, for the reasons stated above, considering the plaint averments, reliefs claimed by the plaintiff, they show that the value of share of plaintiff is less than Rs.5,00,000/-. In view of above findings, the claim of plaintiff does not exceeds the pecuniary jurisdiction to entertain the present suit. Hence, considering the Sec.17 of Karnataka Civil Courts Act, this Court has got pecuniary jurisdiction to entertain the suit of plaintiff. Accordingly, issue No.5 is answered in **Affirmative**.

11. For the reasons stated while answering issue No.5, this Court passes the following:

ORDER

The issue No.5 is answered in the affirmative by holding that, this Court has got pecuniary jurisdiction to entertain the suit of plaintiff.

01.02.2025.

**C/c. Civil Judge and JMFC.,
Hukkeri.**