

**IN THE COURT OF THE CIVIL JUDGE & JMFC.,
AT SANDUR.**

Present : Sri. Devaraddy B.A., LL.B, LL.M.
Civil Judge & JMFC., Sandur.

Dated this the 19th day of June, 2024.

O.S. No. 36/2020.

Plaintiff : B. Parameshwarappa.

(By Sri. H.K.B. Advocate)

V/s

Defendants : Yarramma and Others.

**(D-1, 3 to 5 by Sri. A.H.S. Advocate,
D-2 Dead)**

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ORDERS ON PRELIMINARY ISSUES

The plaintiff has filed the suit for the relief of partition and separate possession in respect of suit schedule properties. After service of suit summons, the defendant No.1, 3 to 5 have appeared before the court through their counsel and filed written statement.

2. Based on the pleadings and documents adduced

by both parties, this court has framed Issue No.4 with regard to pecuniary jurisdiction and it is treated as preliminary issue.

3. Heard hearing on preliminary issues by both side. Perused the records.

POINTS

1. Whether defendant No.1, 3 to 5 prove that this court has no pecuniary jurisdiction to try the suit ?

2. What order?

4. The aforementioned aforementioned points are answered as under:

Point No.1 : In the **Negative**.

Point No.2 : As per the final order for the following;

REASONS

Point No.1 :

5. The plaintiff has filed suit for the relief of partition and separate possession in respect of the suit

schedule properties and the defendant No.1, 3 to 5 also filed written statement, they have taken specific contention in the written statement that market value of the share of the plaintiff is more than pecuniary jurisdiction of this court. For which, this court has framed Issue No.4 with regard to pecuniary jurisdiction and it is treated as preliminary issue.

6. In order to prove the said issue, the defendant No.3 examined as D.W.-1 and filed affidavit in lieu of chief-examination. In the chief-examination, it is stated that the plaintiff has under valued the suit schedule properties and this court is not having pecuniary jurisdiction as the market value of share of the plaintiff is having more than pecuniary jurisdiction of this court and he got marked the document Ex.D.-1. The learned counsel for plaintiff submits no cross-examination of D.W.-1. Further the learned counsel for plaintiff also submits no evidence on preliminary issue by the plaintiff. Further the defendants

have relied on Ex.D.-1 to prove their contention that this court is not having pecuniary jurisdiction. Ex.D.-1 is the market valuation document issued by the Sub-registrar, Sandur, with regard to suit schedule properties on 23.06.2023 but present suit was filed on 09.03.2020. Hence Ex.D.-1 not showing the market value of the suit schedule properties as on the date of filing the suit. Further the defendants have not adduced any material evidence before the court to show that share of the plaintiff is valued more than Rs.5,00,000/- as on the date of filing the suit as contended by them.

7. From going through the contents of written statement, evidence and materials on the hand, it appears that, no materials before the court to show that market value of the share of the plaintiff is more than Rs.5,00,000/- (Five Lakh Rupees), as on the date of filing the suit. Hence, Point No.1 is answered in the **Negative**.

Point No.2 :

8. In view of the reasons discussed in Point No.1, proceed to pass the following,

ORDER

This court has pecuniary jurisdiction to entertain the suit of the plaintiff since no materials before the court to show that market value of the share of the plaintiff is more than Rs.5,00,000/- as on the date of filing the suit.

(Dictated to the stenographer directly on the computer, computerized by him corrected and then pronounced by me in the open court on this **19th day of June, 2024.**)

(Devaraddy)

Civil Judge and J.M.F.C.,
Sandur.

ANNEXURE**List of witnesses examined on behalf of defendants :**

DW-1 : B.S. Kumarswamy.

List of documents marked on behalf of defendants:

Ex.D.1 : Valuation certificate.

List of witnesses examined on behalf of plaintiff :

- NIL -

List of documents marked on behalf of plaintiff :

- NIL -

(Devaraddy),
Civil Judge and JMFC,
Sandur.