

ORDERS ON MEMO.

The counsel for defendant No.1 has filed memo and stated that this court has no pecuniary jurisdiction and as per the guideline value of the suit schedule properties vide gazette notification bearing No.CVC/485/2017-18 dated 05.12.2018, is shown as 12 and 17 lakhs per acres and the suit schedule properties being 31 guntas and 1 acre 7 guntas, the value of the properties as on the date of the filing of the suit was Rs.30,00,000/-. Hence, this court has no pecuniary jurisdiction to try this suit. Hence, prays to reject the plaint.

2. On the other hand, the plaintiffs have filed objection to memo and contended that the notification number referred by the defendant No.1 is not applicable to the suit schedule properties and the plaintiffs have valued the suit for the purpose of Court Fee And Jurisdiction as per the revenue records and the suit schedule properties are an agricultural lands and the memo filed by the defendant No.1 is not maintainable and prays to dismiss the memo.

3. Heard arguments of counsels for plaintiffs and defendant No.1.

4. It must be noted that the plaintiffs have filed a suit against the defendant for the relief of declaration of title over the suit schedule properties and also for declaration to declare that the release deed dated 24.12.2014 executed in favor of the

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defendant No.1 is null and void and not binding on the plaintiffs and also for the relief of Mandatory Injunction and permanent injunction in respect of suit schedule properties bearing Sy.No.23/2 to an extent of 33 guntas and Sy.No.24/2 to an extent of 1.07 guntas situated at Narayanapura village. Further, it is to be noted that as per gazette notification No.CVC/485/2017-18 dated 05.12.2018, the value of the property per acre situated at Narayanapura village is shown as 17 lakhs, 18 lakhs and 19 lakhs. The plaintiffs have valued the suit as per section 24(b), 24(d) and 26(c) of Karnataka Court Fees and Suit Valuation Act 1958 but as per the relief sought by the plaintiffs, the plaintiffs have to not valued the suit properly and the valuation made by the plaintiffs was incorrect. Further, for the purpose of determining the pecuniary jurisdiction, the actual market value of the land would be the factor and not the deemed market value. Further, in view of the aforesaid notification produced by defendant No.1 herein, this court has no pecuniary jurisdiction to try this suit. Hence, this court is proceed to pass the following:

ORDER

Office is directed to return the plaint to the plaintiffs to file it before appropriate court in accordance with law

mif 24/12/20
I Addl. Civil Judge & JMFC,
Nelamangala.