

KACN320011332017



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

**PRESENT : SRI. M. RANJITH KUMAR** B.A,L' L.L.B.  
**Addl. Civil Judge & JMFC., Kollegala.**

**Dated on this the 27<sup>th</sup> day of September 2025**

**O.S. NO.107/2017**

- Plaintiffs : 1. Sri. P. Puttamahadeva  
S/o Late Madaiah,  
Aged about 49 years,  
**R/at:** #247, Dr. Ambedkar Beedi,  
Sathegala Hand Post, Palya Hobli,  
Kollegala Taluk,  
Chamarajanagar District.
2. Sri. P.M.Suresh,  
S/o Late Madaiah,  
Aged about 35 years,  
**R/at:** #121, Siddarthanagara  
Behind Junior Collage, Malavalli.
3. Smt. Prema W/o P.Nanjaiah,  
D/o Late Madaiah,  
(Dead by her Lr's)
- 3(a). Sri. C. Nanjaiah,  
S/o Late Chikkamada,  
Aged about 67 years,

- 3(b). Smt. Supriya W/o Mahesh,  
Aged about 28 years,
- 3(c). Sri. Suraj S/o C.Nanjaiah,  
Aged about 27 years,  
**All are R/at:** #13, Main Road,  
Basthipura, Ambedkar Beedi,  
Kollegala Town & Taluk,  
Chamarajanagar District.
4. Smt. M. Mahadevamma,  
W/o Sahukaiah,  
D/o Late P. Madaiah,  
**R/at:** #4/81, Dr. Ambedkar Beedi,  
Sathegala, Palya Hobli,  
Kollegala Taluk,  
Chamarajanagar District.
5. Sri. M. Parashivamurthy  
S/o Late M.C. Madaiah,  
Aged about 40 years,
6. Smt. M.C. Shashirekha  
D/o Late M.C. Madaiah,  
Aged about 37 years,
7. Sri. M. Santhoshkumar  
S/o M.C. Madaiah,  
Aged about 34 years,  
**Petitioner No.5 to 7 are R/at:**  
#121, Siddarthanagara,  
Behind Junior Collage, Malavalli.

**Versus**

Defendants : 1. Sri. M. Ramesh  
S/o Late P. Madaiah,  
Aged about 38 years,

**R/at:** Sathegala Hand Post,  
Palya Hobli, Kollegala Taluk,  
Chamarajanagar District.

2. Smt. M. Rathikumari  
D/o Late M.C.Madaiah,  
Aged about 31 years,
3. Smt. Puttalingamma  
D/o Late P.Madaiah,  
Aged about 42 years,  
**Defendant No.2 & 3 are R/at:**  
#121, Siddarthanagara,  
Behind Junior Collage, Malavalli.
4. Smt. Radha  
D/o Lingaraju @ Bhuthaiah,  
Aged about 36 years,  
**R/at:** # 1/878, G.P.Mallapuram  
Opp, Huchalamma Temple,  
Kollegala Town & Taluk,  
Chamarajanagar District.
5. Smt. Saroja  
W/o Jayaprakash  
Aged about 40 years,  
**R/at:** # 1/378-1A, G.P.Mallapuram  
Opp, Huchalamma Temple,  
Kollegala Town & Taluk,  
Chamarajanagar District.

### **ORDER ON PRELIMINARY ISSUES**

**1)** This Court upon consideration of rival contentions of the parties had framed the following preliminary issue and directed parties to argue on preliminary issue.

***“Whether this court has pecuniary jurisdiction to try the suit?”***

**2)** Heard learned counsel for plaintiffs and defendants. Learned counsel for plaintiffs, in support of his argument on preliminary issue has filed a memo along with guideline market valuation certified by Sub Registrar Kollegala Taluk. perused materials on record, accordingly for the foregoing reasons, this court answers the above preliminary issue as hereunder.

Preliminary Issue– **In the Affirmative.**

**REASONS**

**3) Preliminary Issue:-**

The plaintiff has filed present suit for partition and separate possession of 6/7ths share in the schedule property, wherein upon service of summons, the defendant No.4 by filing his written statement had contended at Para No.14 of the written statement that, the market value of the schedule property is more than Rs.70,00,000/- and this court does not

have pecuniary jurisdiction to try the suit, considering which this Court had framed the above stated preliminary issue.

**4)** The plaintiff has filed present suit for partition and separate possession and the schedule property is the house property and vacant site bearing Site No.187 measuring East to West 33 feet, North to South 40 feet, situated at G.P. Mallapuram, Ward No. 1, Kollegala Town.

**5)** The plaintiff in support of his argument on preliminary issue has furnished guideline value of market value, for the year 2016-17, wherein at Serial No.74 for the sites situated at G.P.M puram new layout, the market value is determined at Rs.1,600/- per square meter and Rs.148.64/- per square feet. The schedule property measures 1353 square feet and the market value to such extent would amount to Rs.2,01,109.92 and plaintiffs have sought for 6/7 share and market value to an the extent of plaintiff's relief would amount to Rs.1,72,379.94, which is apparently within the pecuniary jurisdiction of this court.

**6)** On the other hand, it is contention of the defendants that schedule property is not a vacant site, but is a house of worth Rs.70,00,000/- but from the entire records it could be observed that the defendants have not placed any materials so as to show that the schedule property consists of house. Thus as stated above the market value being under Rs.5,00,000/- this Court has a pecuniary jurisdiction to try the suit. Accordingly, this court answers preliminary issue in the affirmative and proceeds to pass the following.

**:- ORDER:-**

This court holds pecuniary jurisdiction to try the suit and accordingly Issue No.3 is ordered to be decided.

(Dictated to the stenographer, transcribed and typed by him, the same is corrected, signed and then pronounced by me in the open court on this the 27<sup>th</sup> day of September 2025).

**(M.RANJITH KUMAR)**  
Addl.Civil Judge & JMFC.,  
Kollegala.