

ORDERS ON ADDITIONAL ISSUE NO.1

On the basis of pleadings of parties this court had framed additional issue No.1 on the point of pecuniary jurisdiction on 14.09.2019.

2. Plaintiff has filed this suit against the defendants seeking the relief of declaration and consequential relief of permanent injunction with respect to suit schedule property. In the present case on hand the plaintiff has valued the suit schedule property for Rs.15,000/- for payment of court fee and for jurisdiction and paid Rs.400/- court fee as per Sec.24(b) of the Karnataka Court Fee and suit valuation Act for the purpose of pecuniary jurisdiction.

3. To which the learned counsel for defendant has filed written statement stating that this court has no pecuniary jurisdiction and also files memo along with SR value in respect of the suit schedule property.

4. Therefore, this court has framed Additional issue No.2 as follows.

2. Whether this court has no pecuniary jurisdiction to try this suit.

5. My answered to the above issue is in the **Negative** for the following.

REASON

6. As per the valuation slip the marked value of the suit property is Rs.15,000/- as per the document produced by the defendant from Sub Registrar Channagiri SR value of suit property for the year 2016-17 for residential area it is valued as 1080 per sq mts. According to the defendant contention in his written statement para No.19 and 20 that suit property is worth more than Rs.20,00,000/- and this court has no pecuniary jurisdiction to try this suit. To support his contention he also examined defendant No.1(c) as DW.2. wherein he clearly admitted that his father by name Syed Karim Sab has purchased the suit property from the plaintiff's father and seriously disputed the boundaries and measurement of the suit schedule property. To support his contention with respect to additional issue he had produced the SR value of Shrungarbag village valuation certificate obtained to Sub Registrar Office, Channagiri wherein it is clearly stated that the market value of the property during the year 2016-17 is Rs. 1080/- and for the year 2019-20 per sq mts which is tored and not legible to consider the entries.

7. On perusal of entries of Ex.D3 which is authenticated document to calculate the market value of the suit property wherein it is mentioned as during the year 2016-17 on which the year this suit is filed the value for residential area is Rs.1080/- per sq. feet. The suit property totally measures as per the defendant is 26 X 135=3510 sq feet. Accordingly the market value of the suit property

is according to the defendant valued upto Rs.37,90,800/- which is not comes with in the jurisdiction of this court.

8. In the cross examination the DW.2 he admitted that, the suit property was purchased by his father from the father of plaintiff and the present plaintiff is only son for the vendor. He further admits that, neither the plaintiff nor his father alienated the property for non agricultural purpose.

9. The DW.2 further admits that, he has no other authenticated documents except panchayath records to show his title over the suit property. The DW.2 further denies that, he had not produced any documents to show the specific measurement of the suit property. In view of the said admissions the defendant has not produced any documents to show the exact valuation of the suit schedule property as well he failed to produce the exact valuation of the suit property as per his contention. By looking into the oral and documentary evidence which has been admitted by the DW.2, this court is of the considered view that the DW.2 has failed to prove that this court is no pecuniary jurisdiction to try this suit. The total measurement of the suit property is $30 \times 120 = 3,600$ sq feet if same is converted to the mts which is measured as 334.45 sq mts. The market value of the said property per sq feet is Rs.1,080/-. Hence total market value of the suit property is Rs.3,61,206/-. This court has pecuniary jurisdiction upto Rs.5,00,000/- as per the Civil Court Act. Hence, I answered the additional **issue No.2 in the Negative** thus, I proceed to pass the following

ORDER

This court has pecuniary
jurisdiction to try this suit.

For further cross of PW.1 without fail
Call On:25.10.2024

Sd/-
IIAddl. Civil Judge & JMFC.
Channagiri.