ORDER

Plaintiff has filed this suit for the relief of decree for declaration that sale deeds dated:20.04.2012, 12.05.2005 and gift deed dated:15.09.2019 are null and void and consequential relief of possession of “A” schedule properties and for partition and separate possession.

2. The plaintiff valued the suit u/s 50(2)of Karnataka Court Fees and Suits Valuation Act and paid the court fee of Rs.200/-.

3. The C.M.O. of this court has made an objection that valuation slip ought to have been filed u/s 24(a) and Section 38 of Karnataka Court Fees and Suits Valuation Act.

4. Heard the argument of learned counsel for plaintiff on the office objection.

5. I have perused the pleadings and materials.

6. Plaintiff has filed the suit for the relief of decree for declaration that sale deeds and gift deed are null and void, for possession, partition and separate possession. The suit properties are agricultural properties and assessment has

been settled. The relief of declaration that the sale deeds and gift deed are null and void are governed u/s 38 of Karnataka Court Fees and Suits Valuation Act. Since, the suit properties are agricultural properties, the court fee has to be determined on the basis of deemed market value u/s 7(2) of Karnataka Court Fees and Suits Valuation Act. Section 38 of Karnataka Court Fees and Suits Valuation Act has been included u/s 7(2) of the said Act. It means, the market value of the agricultural properties in respect of the relief of declaration, the deemed market value has to be taken into consideration to calculate the court fee. Since the suit properties are agricultural properties, the deemed market value does not higher. Further, the plaintiff has paid maximum court fee of Rs.200/- as contemplated u/s 35(2) of Karnataka Court Fees and Suits Valuation Act for the relief of partition. The partition is also one of the relief claimed in this suit and the maximum court fee is paid.

7. The office objection that valuation ought to have been made u/s 24(a) and 38 of Karnataka Court Fees and Suits Valuation Act does not make any difference. The plaintiff

has valued the suit u/s 50(2) of Karnataka Court Fees and Suits Valuation Act instead of Section 38 r/w Section 7(2) and section 35(2) r/w section 7(2) of Karnataka Court Fees and Suits Valuation Act. In view of the above, the office objection is not sustainable and it is liable to be set aside. Accordingly, I proceed to pass the following;

ORDER

The office objection is set aside.

The valuation slip is accepted.

Prl. Sr. Civil Judge and JMFC
Belthangady, D.K.

DEVARAJU HM

Digitally signed by DEVARAJU HM
Date: 2024.01.06 17:09:06 +0530