

**IN THE COURT OF 1st ADDITIONAL SENIOR CIVIL JUDGE &
J.M.F.C, RANEBENNUR**

Before: Sri Balmukund.R. Mutalik Desai,
B.A. LL.B, (Spl)
**1st Addl., Senior Civil Judge & JMFC,
Ranebennur.**

O S No.23 of 2023

Dated this the 01st day of July -2026

Plaintiff: Sridhar Adopted S/o Bhagavanta Rao
Nadiger, R/o: Rajarajeshwari Nagar,
Tq: Ranebennur, Dist: Haveri.

(By Sri. P.V. Kulkarni, Advocate)

V/s

Defendant : Prashantakumar S/o Sheshareddi
Ippagunta, R/o: Banashankari Nagar,
(Near Kalyanamantapa),
Tq: Ranebennur, Dist: Haveri.
And others.

(D-1 by Sri P.R. Hittalamani, Advocate)

(D-2 by Sri M.S. Manakur, Advocate)

(D-3 Ex-parte)

(D-4 & 5 by Sri J.S. Marakalli, Advocate)

ORDERS ON PRELIMINARY ISSUE

Plaintiff has filed suit for the relief of partition and separate possession against the defendants.

2. After service of summons defendant No.1 appeared through his counsel and filed his detailed written statement.

3. Based on above pleadings this Court framed following;

I S S U E S

1. Whether the plaintiff proves that, plaint "B" schedule properties are the ancestral joint family properties of himself and defendants Nos.1 to 5?
2. Whether the plaintiff proves that, he is the adopted son of Bhaghavantha Rao S/o: Malhar Nadiger?
3. Whether the plaintiffs proves that, the sale deed dated: 01-07-2019 executed by the defendant No.2 in favour of defendant No.1 is not binding on his share?
4. Whether the defendant No.1 proves that, this court has no pecuniary jurisdiction to try the suit?
5. Whether the suit is properly valued and court fee paid is sufficient on the relief of declaration?
6. Whether the plaintiff is entitle for the relief of partition and separate possession of his share in plaint "B" schedule properties as prayed for?
7. What order or decree?

4. This court by its order dated 05-01-2026 held that as Issue No.4 relates to pecuniary jurisdiction it should be treated as preliminary issue as per order XIV Rule 2(2) of CPC.

5. Heard arguments of both counsel.

6. During hearing counsel for defendant No.1 produced certified copy of sale deed dated 01-07-2019.

7. On perusal of materials placed on record my findings to the above preliminary issue is as follows;

Issue No.4 : In the Negative.

Issue No.7 : As per final order
for the following:-

REASONS

8. **Issue No.4:-** The plaintiff has filed this suit for the relief of partition and separate possession. The plaintiff in his plaint averred that, the suit schedule property is the ancestral property of Hindu Joint Family and he is having half share in the suit schedule property.

9. The plaintiff in his plaint para No.14 valued the suit property for Rs.20 lakhs as market value and his share has been valued for Rs.10 lakhs. For these reasons, plaintiff counsel

argued that, this court is having pecuniary jurisdiction to try the suit.

10. The counsel for the defendant No.1 in his written statement contended that, the market value shown by the plaintiff in para No.14 is false and it is not according to the Government records and relied on sale deed dated 01-07-2019.

11. The defendant vehemently argued that, this court is not having pecuniary jurisdiction to try the suit and prayed to return the plaint. The counsel for the defendant No.1 to support his arguments heavily relied on sale deed dated 01-07-2019.

12. On going through the plaint at para No.14, the plaintiff has valued the suit property for Rs.20 lakhs and share of the plaintiff has been valued at Rs.10 lakhs. In any Civil suit, the plaintiff is the master of his case. The plaintiff can make valuation of the suit property as per his wish. More over, regarding the valuation of the court has to look only to the pleadings made in the plaint.

13. In this regard it is relevant to rely on citation of our own Hon'ble High Court reported in **2008(4) Kar.LJ-177 (Smt. Nanjamma V/s Smt. Akkayamma and others)** wherein Hon'ble High Court of Karnataka opined that,

“KARNATAKA COURT FEES AND SUITS VALUATION ACT, 1958, Sections 35(1) and (2) and II- Court fees Act, 1870, Section 7(iv)(b)-Civil Procedure Code, 1908, Order 7, Rules I and II(b)- Court fee- Computation of –Computation should be on basis of averments in plaint alone- Defence taken in written statement has no relevance for purpose- Once nature of suit and Court fee payable are so determined, same cannot be changed subsequently on basis averments in written statement or on basis of evidence-Where Court fee in respect of partition suit was paid under Section 31(2) of Act of 1958 in accordance with plaint averment that suit property is joint family property under common possession, Trial Court is not justified in holding on basis of defendant taken in written statement, that there is no joint possession and that suit falls under Section 31(10 of Act of 1958, requiring payment of deficit Court fee- Rejection of plaint for not paying deficit Court fee within time allowed, held, is improper-Court fee payable on appeal is also same even if Trial Court holds that there is no joint possession and that case falls under Section 31(1) of Act of 1958.”

14. Hence in view of the above referred citation and discussion made in the above, I am of the view that, the defendant No.1 has not made out any grounds and was not successful to prove that this court is not having pecuniary jurisdiction to try the suit. Hence, I answer **Issue No.4 in the negative.**

15. **Issue No.7:-** For the discussions made in above Issue I proceed to pass the following:

ORDER

Issue No.4 is answered in the Negative.

Holding that, this court is having pecuniary jurisdiction to try the suit.

No order as to costs.

(Dictated to stenographer transcribed and typed by him, corrected by me and then pronounced in open court on this 01st day of July 2026)

(Sri. B.R. Mutalikdesai)
1st Addl., Senior Civil Judge and JMFC,
Ranebennur.