



**IN THE COURT OF THE SENIOR CIVIL JUDGE
AND J.M.F.C., SHIGGOAN**

Present: Sri. Sunil S. Talawar
B.A.LLB..., (Spl.)
Senior Civil Judge & JMFC.,
Shiggaon.

DATED THIS THE 14th DAY OF AUGUST 2025

O.S.NO.74/2021

Plaintiffs : 1. Fatobi M Mulla and Others

Vs.

Defendant: Moulali M Tasewale

I.A.VII/2025

Applicant: Moulali M Tasewale

V/s

Opponents: 1. Fatobi M Mulla and Others

ORDER ON I.A.No.VII

The defendant herein in the present matter has filed present application under Order VII Rule 11 R/w Section 151 of Code of Civil Procedure seeking rejection of plaint.

2. The defendant has filed sworn affidavit and stated that, the plaintiffs have filed this suit for the relief of partition and separate possession. It is further stated that, for the purpose of pecuniary jurisdiction



the suit is totally valued for Rs.6 lakhs and the plaintiffs claimed 5/6th share and where the value of the suit is Rs.5 lakhs. Further it is stated that as per Mohammadan Law daughters will get half share of the son. As per plaint averment calculated as per Mohammadan Law the plaintiffs share is calculated around Rs.4,28,570/- which is below the pecuniary jurisdiction of this Hon'ble Court. The defendant has produced the document along with written statement regarding market value of the suit property which is issued by the Sub-registrar of Shiggavi. As per the document the total valuation of the suit property is Rs.3,75,000/- which is below the jurisdiction of this court. Therefore among these grounds of contentions the defendant has sought for rejection of plaint.

3. Per contra, the plaintiffs have filed objections to the I.A.No.VII by denying all the statement of fact mentioned in the sworn affidavit and specifically contended that, the contents of the affidavit of defendant as to valuation of the property at Rs.3,75,000/- as per the sub Registrar Shiggavi is not admitted it is also contended that the Government valuation is not prevailing but in the open market the suit property valuation is more than 20 lakhs therefore, it is rightly valued the suit property on the said market valuation. If the suit property market valuation taken into consideration then the share of



plaintiffs would be 16,50,000/- Hence the suit is entertained by this court. It is also contended that, the plaintiffs have nominally quoted market value at Rs.6 lakhs and paid court fee as per Section 35(2) of KCF and SV Act. The plaintiffs share in the suit property will comes to 5 lakhs hence this court is having jurisdiction to entertain this suit. It is also contended that the Hon'ble High Court by its order dated 05.07.2024 directed the Civil Court to maintain the position as it was before notification of The Karnataka Civil Courts (amendment) Act 2023 and a copy of circular produced herewith. Therefore, the plaintiffs have rightly chosen the jurisdiction of this court as to seek relief for partition and separate possession. Therefore among these grounds of contentions the plaintiffs have sought for dismissal of I.A.No.VII with a cost

4. In order to ascertain whether plaint shall be rejected on the allegation of jurisdiction especially the pecuniary jurisdiction of this court the contents of plaint averments itself are necessary to consider the application of defendant. However, the defendant has filed present application with sworn affidavit it is also require here to go through the contents of sworn affidavit as they are related to statement of fact relied upon the Pecuniary jurisdiction of this court in order to decide the present application on merits.



5. Heard Sri. B.D.M., learned advocate for defendant and so also heard Sri.S.L.S., learned Advocate for plaintiffs.

6. Perused, the materials placed on application and also the materials those are with the case file.

7. The point that arose for the consideration of this court is as here under :-

POINTS

1) Whether the defendant has made out grounds for rejection of plaint on ground that this court is having no pecuniary jurisdiction to entertain and decide the matter as provided by law order VII Rule 11(a) of CPC?

2) What order?

8. My answer to the above said points are as here under;

Point No.1: In the Negative

**Point No.2: As per final order
for the following:-**

REASON

9. **Point No.1:** Before entering into the reasonings on above said point it is necessary here to discuss the nature of suit filed by the plaintiffs and the



jurisdiction of this court as to entertain the present case given in the plaint. In this regard I am relying upon the plaint presented to the court wherein it do find that the plaintiffs have filed the suit for partition and separate possession seeking their 15/6th share each in the suit schedule properties. Upon perusal of the plaint para No.15 it appears that, which is relevant for the purpose of deciding the present application of defendant. The para No.15 of the plaint is reproduced thus; *this suit is filed for partition and separate possession claiming 1/6th share of the plaintiffs in the suit land, same is valued under Section 35(2) of The Karnataka Court Fees and Suit Valuation Act. Accordingly court fee Rs.200/- is paid herewith. For the purpose of advocates fee and courts jurisdiction the valuation of the suit land is valued at Rs.6 lakhs. The 5/6th share of the plaintiffs will be Rs.5.00 lakhs, same will be the valuation for advocates fee and court jurisdiction.*

10. Therefore, the plaintiffs have extracted the jurisdiction of this court in para No.15 which clearly reveals that the suit property valued for Rs.6 lakhs. It is also extracted in the plaint itself that the plaintiffs are having 1/6th share each in the suit property. Based upon the pleadings of the plaintiffs the defendant would say that the valuation made out in the plaint is not correct. For which the defendant has filed



present application seeking rejection of plaint. Keeping in mind of the application of defendant it appears that there is serious dispute in relation to valuation of suit property. The defendant would rely the ready reckonore in respect of suit property Sy.No.113/2 of Kamalapur village wherein in the year 2023-24 the market value of suit land per acre is Rs.1,50,000/- if the land soil is masari, Rs.1,75,000/- if the land soil is black, Rs.1,85,000/- if the land is part irrigation and Rs.2,05,000/- if the land is irrigated. Further it is specified by the sub Registrar Shiggoan that, Rs.2,55,000/- is market value for Bagayat land. By relying the said certificate the defendant would say that, the valuation made in the plaint is false and the total valuation of the suit property is below 5 lakhs in which this court is having no pecuniary jurisdiction to entertain and decide the matter on merit. Therefore, it is required to return / reject the plaint.

11. It is well settled law that the court bound to look into the pleadings mentioned in plaint only in order to arrive conclusion in regard to rejection of plaint. The written statement and any other pleadings of defendant are not relevant to make conclusion in relation to rejection of plaint. Therefore, materials which may be considered as to sustain and justify an order to rejection of plaint must be determined solely in terms of what is averred in the plaint. It is well settled



law that, the documents produced along with plaint are also part and parcel of plaint statement of facts. Therefore what are the factors to be considered in rejection of plaint and what the Law say is need to be discuss here on relied the statement of fact given in the plaint. In this regard it is necessary here to reproduce the relevant provision of law order VII rule 11 of Civil Procedure Code 1908.

12. **Rejection of Plaint:** The plaint shall be rejected in the following cases:-

(a) Where it does not disclose a cause of action;

(b) Where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;

(c) where the relief claimed is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law;

[(e) where it is not filed in duplicate;]



[(f) where the plaintiff fails to comply with the provisions of Rule 9:]

[Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-papers shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-papers, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.]

13. It appears on perusal of the plaint that, the plaintiffs have valued the suit land for the purpose of pecuniary jurisdiction of Rs.6 lakhs which is not in dispute. Further, the plaintiffs are claiming 5/6th share in the suit land which as per plaintiffs case valued for Rs.5 lakhs which is also not in dispute. The ready reckoner produced by the defendant cannot be looked into consideration at this stage of proceedings as it is the government valuation of the suit property. However, the plaintiffs have to rely upon the deemed market value of the suit property on the basis of the open market value of suit property which is also permissible under law. The fixed market value of the suit land is only for the purpose of collecting stamp



duty and registration charges by the government when a conveyance is made before sub-registrar office in respect of a particular property. The sole ground assigned by the defendant is that on the basis of the ready reckoner issued by the Sub-Registrar Shiggaon. However, the relief claimed by the plaintiffs will restrict towards the pecuniary jurisdiction of the court for Rs.5 lakhs. It is relevant here to discuss the fact that there was an amendment to the Karnataka Civil Courts (amendment) Act 2023 which was stayed by Hon'ble High Court of Karnataka by its order dated 05.07.2024. It is the notification of Hon'ble High Court that the Civil Courts to maintain the position as it is and it was before notification of the Karnataka Civil Courts (amendment) Act 2023. With this background if at all the present application of the defendant taken into consideration then also this court bound to order the plaintiffs to produce plaint before competent court of law which has got pecuniary jurisdiction. On the other hand order VII Rule 11(b) of CPC provides for the court to correct the valuation of suit claim with giving a time to the plaintiffs and under circumstances if the plaintiffs fails to correct it then plaint shall be rejected other wise not. Keeping in mind of order 11(b) of CPC and also the proviso appended to order 11 the court is bound to fix a time to make correction of the valuation to the plaintiffs if the plaintiffs satisfied that he was prevented by any cause of an exceptional nature from



correcting the valuation and refusal to extend such correction time would cause grave in justice to the plaintiffs. Therefore, by observing these all relevant provision of law and also the factual matrix of the case, the plaintiffs are set at liberty to correct the valuation as stated by them in their objections and however they want do so then apply judicious mind by filing necessary application.

Therefore, by considering all these material facts, law discussed on relied fact the point No. 1 is answered **in the Negative.**

14. **Point No.2:-** In lieu of the findings given on point No.1, I proceed to pass the following:-

ORDER

The I.A.No.VII filed by the applicant/ defendant under Order VII Rule 11 R/w 151 of CPC is hereby rejected.

No orders as to cost.

To hear on I.A.No.V and VI.

Call on 08.09.2025.

(Dictated to the Stenographer, typed by her, revised and corrected by me and then pronounced in the open court on this the 14th day of August 2025)

(Sunil.S. Talawar)
Senior Civil Judge and JMFC,
Shiggaon.

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