

IN THE COURT OF THE SENIOR CIVIL JUDGE AND J M F C.
AFZALPUR.

Present : Shri Vinayak Mayannavar,
B.A.,LL.B
Senior Civil Judge & JMFC, Afzalpur.

Dated: This, the 26th Day of March - 2026

O.S No-148/2024

Plaintiffs : Kupendra S/o Madrappa Singe,
and 4 others.

[By Shri A.S.J. Advocate]

-V/s -

Defendants : Gurupadappa S/o Eranna Harasur,
and 27 others.

[D-7, 10 to 19, 21 to 25 and 27 By Shri. A.S.K. advocate]

[D-3 In-Person]

[D-1, 2, 4 to 6, 8, 9, 20, 26 and 28 Ex-Parte]

ORDER ON PRELIMINARY ISSUES [ISSUE NO-1 and 2].

The plaintiffs have filed the present suit for the relief of declaration and mandatory injunction against the defendants.

2. The plaintiffs have contended that, the plaintiffs are the absolute owners of the suit properties bearing survey number 139 measuring 12 acre 17 gunta of land, survey number 138 measuring 25 acre of land and survey number 130 measuring 32 acre of land and survey number 137 measuring 37 acre 27 gunta of land. There is way from Ankalaga village to the suit properties. The cart road passes from the land of the defendants. The plaintiffs are using the said cart road from unmemorable time. The plaintiffs have got an easement right over the cart way. The defendants are restraining the plaintiffs from using the cart way. The plaintiffs have got a cart way in the lands of the defendants to reach their land.

3. The plaintiffs have valued the suit for the relief of declaration that, they have got a cart way from the land of the

defendants for Rs.1,000/- and paid court fee of Rs.25/- under Section 24 (b) of KCF and SV Act. The plaintiffs have shown that, the market value of the suit properties is more than Rs.16,00,000/- for the purpose of jurisdiction.

4. The defendant No-11 has filed the written statement by admitting the case of the plaintiffs. The defendant No-7, 10, 12, to 19, 21, 25, and 27 have filed a memo adopting the written statement of the defendant No-11 as their written statement.

5. On considering the case of the parties and on considering the materials on record the following preliminary issues are framed by this court.

PRELIMINARY ISSUE [ISSUE NO-1 and 2]

- 1] Whether this court has got pecuniary jurisdiction to try the present suit ?

2] Whether valuation made by the plaintiffs and the court fee paid by the plaintiffs is proper and correct ?

6. The parties have not led any evidence on the preliminary issues.

7. Heard the arguments.

8. On considering the materials on record my findings to the above preliminary issues are as under:

Issue No-1:- In the affirmative.

Issue No-2:- In the affirmative.

REASONS

9. Issue No-1 and 2 :- The plaintiffs have valued the suit for pecuniary jurisdiction for Rs.16,00,000/-. The plaintiffs have shown the 4 lands as the suit properties. The suit

properties are bearing survey number 139 measuring 12 acre 17 gunta of land, survey number 138 measuring 25 acre of land and survey number 130 measuring 32 acre of land and survey number 137 measuring 37 acre 27 gunta of land. Hence, considering the nature of the suit properties and valuation made by the plaintiffs I am of the opinion that, at this stage it cannot be said that, this court has no pecuniary jurisdiction to try the present suit. At this stage it cannot be said that, the valuation made by the plaintiffs is not proper.

10. The advocate for the plaintiffs has produced the decision reported in 2002 (7) KAR-CK-0042 of Karnataka High Court in the case of Jairam and others V/s M.S Sikandar Ahammed and another. He has also produced the decision reported in 2004 (4) KAR-CK-008 in the case of Vatti Koti Kantamma V/s T.Surya Narayan and others. The said decisions show that, the agricultural land can be valued for the purpose of jurisdiction and for the purpose of court fee differently. Hence, on considering the materials on record and considering the plaint averments I am of the opinion that, this

court has got pecuniary jurisdiction to try the present suit and the valuation made by the plaintiffs is correct. Hence, I answered preliminary issue No-1 and 2 in the affirmative.

11. In view of my answered to the preliminary issue No-1 and 2 I proceed to pass the following order.

O R D E R

It is held that this court has got pecuniary jurisdiction to try the present suit.

The valuation made by the plaintiffs and the court fee paid by the plaintiffs is proper.

Senior Civil Judge and JMFC,
Afzalpur.

[Order pronounced in the open court vide separate sheets]

ORDER

It is held that this court has got pecuniary jurisdiction to try the present suit.

The valuation made by the plaintiffs and the court fee paid by the plaintiffs is proper.

Senior Civil Judge & JMFC.,
Afzalpur.