

RA 34/18

Case is called-out.

No representation.

Heard on office objections as to the Jurisdiction of this Court.

This appeal is challenging the Judgment and Decree dated 18.11.2017 in O.S 341/16 on the file of Prl. Sr. Civil Judge Court, Ramanagara.

The certified copy of valuation slip filed before the Hon'ble trial court reveals that the total value of the subject matter of the original suit for the point of jurisdiction is Rs. 37,00,000/- (Thirty Seven Lakh Twenty five thousand only)

As per section 19 of Karnataka Civil Courts Act of 1964 the appeals from the Decrees and the orders passed by the Civil Court in original suits and proceedings of a civil nature shall lie to the District Court when the amount or value of the subject matter of the original suit or the proceedings does not exceed 10 lakh Rupees. If it exceeds the amount of 10 lakh Rupees the appeal lies to the Hon'ble High court.

There can be no two valuation for the purpose of determining the jurisdiction of the court but there can be separate valuation for the purpose of the court and the purpose of jurisdiction. The valuation of the property of the share of the appellants is valued at Rs.7,00,000/- only for the purpose of Court fee and that will not decide the pecuniary jurisdiction of the court.

So, the value of the subject matter only to an extent of appellant share can't be taken in to consideration to determine the jurisdiction of this court. As such this Court has no jurisdiction to entertain this appeal. Accordingly this appeal is dismissed for want of jurisdiction.

Office to return the appeal memo and other records to the appellant for presenting the same before the Hon'ble High Court.

(Prakash L. Nadiger)
Pri. District and Sessions Judge,
Ramanagara.