

ORDERS ON INTERLOCUTORY APPLICATION No.10
FILED UNDER ORDER 7 RULE 10 OF C.P.C BY THE
APPLICANTS/PLAINTIFFS

The plaintiffs filed Interlocutory Application under Order 7 Rule 10 of Code of Civil Procedure praying this court to return the plaint with permission to file the same before the competent court of jurisdiction to meet the ends of justice.

2. In the annexed affidavit to I.A, the plaintiffs goes to submits that, they have filed the suit against the defendants for the relief of partition and separate possession and other reliefs. At the time of filing of the suit, the suit was properly valued and was within the pecuniary jurisdiction of this court. Thereafter, they got the plaint amended by including some more properties in the schedule and on calculation of the same, the valuation exceeds the pecuniary jurisdiction of the court. Hence, it is just and necessary to return back the original plaint along with all documents and permit them to file the same before the Jurisdictional court. Hence, prays to allow the application.

3. The defendant No.1(a) to (c) and defendant No.2 through their respective counsel have submitted that, they have no objection to allow the above said application with heavy costs. Hence, the objection is taken as nil.

4. Heard the counsel for the plaintiffs.

5. Before proceeding with the matter, it is just and necessary to peruse certain provisions involved in the present matter.

Order VII Rule 10 of the Code of Civil Procedure (CPC) deals with the return of plaint by a court that lacks jurisdiction to entertain the suit. This rule essentially states that if a court finds it does not have the proper jurisdiction (territorial, pecuniary, or subject-matter) to hear a case, it must return the plaint to the plaintiff for presentation in the appropriate court.

6. On perusal of the material on record, the plaintiffs have come up before the court seeking the relief of partition and separate possession. However, it is the case of the plaintiffs that, the pecuniary limits of the present subject matter i.e., with respect to suit schedule properties exceeds after including some other properties and they came to know regarding the said aspect when they ought to have filed the valuation slip. Hence, as the valuation of the properties is exceeds according to plaintiffs. They intend to present suit before the appropriate forum in view of proper adjudication of the matter.

7. Further it is to be noted that, the plaintiffs who is the dominus litus of their case have themselves stated that the market value of the suit schedule property exceeds the pecuniary jurisdiction of this court and also it is clear with the materials on record and as per the submission of the plaintiffs that, this court has no pecuniary jurisdiction to try the same when such is the circumstance.

8. Hence, in pursuance to the same, it is clear that, this court has no jurisdiction to try the present matter which goes to show that, the application filed by the plaintiffs can be duly considered and the plaintiffs have to approach before concerned competent court regarding the present suit on hand. Accordingly, the said application is thereby duly considered by the court, this court proceeds to pass the following:

ORDER

The Interlocutory Application No.10 filed by the plaintiffs under Order 7 Rule 10 r/w Sec.151 of C.P.C. is hereby allowed and the plaintiffs are thereby at liberty to file the said

suit before Hon'ble Competent Court which as jurisdiction as per the due procedure under law.

Office to return the entire suit and the plaintiffs are thereby directed to furnish the attested copy of the entire case as well as the documents with due and proper endorsement and the parties shall appear before the concerned CMO to comply the same on or before 13.07.2026.

Accordingly, the present matter stands closed in pursuance to the consideration of the said application filed by the plaintiffs.

Sd/-

(Lathashree B.V.)

I Addl., Civil Judge & JMFC,
Kanakapura.