



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC AT
SIRA**

Dated 10th day of October 2025

PRESENT: NARASIMHAMURTHY.A
B.A., LL.B.,
Prl. Civil Judge & JMFC., Sira.

O.S. No.111/2025

Plaintiffs : 1. Puttamma W/o Late Hanumappa @
Hanumanna,
Aged about 63 years,
House wife,
R/at Boppanadu Village,
Kasaba Hobli, Sira Taluk,
Tumakuru District. And others

(By Sri.Y.R.B.,Advocate)

-V/s-

Defendants : 1. Susheelamma W/o Late Kariyanna,
Aged about 52 years,
House wife,
R/at Boppanadu Village,
Kasaba Hobli, Sira Taluk,
Tumakuru District. And others

(By Sri. S.H.B.,Advocate)

I.A. No.II

Applicants : Susheelamma & others **Defendants**

-V/s-

Opponents : Puttamma & others **Plaintiffs**



ORDER ON IA No.II

The defendants have filed an application U/o VII Rule 11(B) and (C) r/w sec.151 of CPC by seeking prayer to reject the plaint of the plaintiffs.

2. In the accompanying affidavit of the interim application, defendants have averred that, the plaintiffs have filed the suit for Declaration and permanent injunction. The Defendants further submitted that the suit schedule property is Bhagaythu land and it consists coconut trees and form houses and two bore well, IP sets and motor pump set room. As per the SR value of the Bhagaythu land of Rs.5,40,000/- per 1 acre and form houses value is more than Rs.45 lakhs which are existing in the suit schedule property. Hence the worth of suit schedule property is more than 50 Lakhs. Hence, the suit of the plaintiff is barred by pecuniary jurisdiction and the plaintiffs have not paid sufficient court fees. Hence prays to allow the application.

3. Per contra, the plaintiffs have filed objection to present application, wherein it is contended that the suit schedule property is kushki land property the present SR value of the suit schedule property is Rs.2,25,000/- and the plaintiffs have calculated proper court fee and the same was already paid. Accordingly, the question of



insufficient court fee does not arise at all. If the application is allowed, the plaintiff will be put to irreparable loss and injury. If the application is not allowed, no harm will be caused to the defendants. Hence, prays to reject the application.

4. Heard, arguments from both sides, in view of the material placed before me and the rival contention raised by the parties, the following points have arisen for my consideration;

P O I N T S

1. Whether the suit of the plaintiffs is hit by Order VII Rule 11(B) and (C) r/w sec.151 of CPC?
 2. What order ?
5. My answer to the above points are as under;

Point No.1 : In the Negative.

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

R E A S O N S

6. **Point No.1:** Any of the observation made herein does not affect the merits of the case and parties at liberty to prove their respective contentions. These observations have been made only for the purpose of disposal of this



application. These points are taken together for common discussions and to avoid the repetition of facts. The whole facts of the interim application is already narrated at the inception of this order. Therefore, repetition of the same avoided here.

7. The defendants have contended the plaintiffs have not properly valued subject matter of suit and paid proper Court fee. It is worth to note here that, the plaintiffs for the purpose of jurisdiction of the Court have valued subject matter of suit at Rs.2,25,000/-.

8. The defendants have contended the plaintiffs have not properly valued subject matter of suit. In order to substantiate their contention, the defendants have not produced any material on record to show, as prayed in suit exceeds the pecuniary jurisdiction of this Court.

9. No doubt there are some VPC properties are mentioned in suit schedule property. In order to show this Court has no pecuniary jurisdiction, the defendants have not placed any material on record. It is settled propositions of law that, issues with regard to jurisdiction of the Court and Court fees have to be ascertained by going through the plaint averments only. Such issue cannot be decided



based on contention taken up by the defendants in their written statement.

10. On meaningful reading of plaint averments, as defendants have not placed any contra material, such as valuation certificate issued by concerned sub registrar pertaining to suit property, valuation of suit property shown by the plaintiffs in plaint has to be accepted. **Hence I answer Point No.1 in the Negative.**

11. **Point No.2:** For the aforesaid reasons, this court proceeds to pass the following;

ORDER

I.A. No.II filed by the
defendants Under Order VII rule 11
(B) and (C) r/w sec. 151 of C.P.C. is
hereby rejected.

No order as to cost.

(Dictation given to the Typist directly on the computer typed and printout taken by her, corrected, and then pronounced by me in the open court on this the **10th day of October, 2025**)

Sd/-
(NARASIMHAMURTHY A.)
Prl., Civil Judge & JMFC.,
Sira.