

**08/01/2024**

Pltf. By SBB

D1,3,4,5,6,7,8-RMN

D9-CMB

D2- In person

For order

**ORDER ON I.A.NO.VIII FILED U/ORDER XVI RULE 1AND  
15AND 18 RULE 4 R/W Sec.151 OF THE C.P.C.**

The plaintiffs filed the suit for the relief of injunction and declaration of easement right against the Defendants. The Defendant No.1 to 8 filed written statement and contended that, this court does not have jurisdiction to try this suit. On the basis such contentions, Defendant No.1 to 8 filed an application U/Order VII Rule 11(a)(b)(c) as I.A No.VI and prayed before this court to reject the Plaint and also another application U/Order VII Rule 10 of the C.P.C and prayed to return the Plaint as I.A No.V. Thereafter, the matter was posted to enquire of the Defendant No.1 to 8 with regard to the such contentions in the applications. Thereafter, the

counsel for the Plaintiff filed a memo and produced valuation slip pertaining to the valuation of the suit schedule property as on the date of filing of the suit. In this application, the Defendant No.1 to 8 prayed before this court that, the Sub-Registrar of Bhatkal may be summoned in order to furnish the documents pertaining to MN No.15/222-23, dated: 18/06/2022 and registered sale deed dated: 02/12/2022 vide documents No. BTL-1-0154020/22. In the memorandum of the facts of the application, the Defendant No.1 to 8 submitted that, the Defendants are absolute owners and the Sub-Registrar has considered the market value at Rs.2,05,000/- and collected stamp duty on the same. Whereas, the Sub-Registrar of Bhatkal has shown in MV No. 15/22-23 dated: 08/06/2022 with respect to the Sy.No. 101 of Belke village is Rs.3,19,440/- for a dry land, for a wet land Rs.3,63,000/- and for a bagayat land is Rs.4,90,000/- per acre. He submitted that, in order to establish the jurisdiction and payment of proper court the suit should have valued as per market value and on the date of the filing of the suit the Sub-registrar value of suit 'B' schedule land is Rs. 11,27,500/-. Hence this court does not have jurisdiction to try this suit. In order to establish the same the evidence of Sub-Registrar of Bhatkal is essential. Hence, he prayed to allow the application.

**2.** The learned counsel for the Plaintiffs filed objections, denying the application averments and submitted that, in

view of the judgment of Hon'ble High Court of Karnataka reported in 2000 KCCR Page 1780, it has been held that, the valuation certificate issued by the Sub-Registrar is acceptable and it is not necessary to summon the Sub-Registrar. Hence, he prayed to dismiss the application.

**3.** Hear both the sides. The counsel for the Defendants filed a written arguments and reiterated the Plaint averments and prayed to allow the application. The counsel for the Plaintiffs submitted his arguments and relied upon a judgment reported in 2000(3) KCCR Page 1780 of The Hon'ble High Court of Karnataka.

**4.** On perusal of the materials available on record, it is to be noticed that, the present application is filed to summon the Sub-Registrar of Bhatkal, in order to adduce his evidence pertaining to the valuation of suit schedule property. The contentions of the Defendants with respect to the pecuniary jurisdiction of this court requires to be established by them independently. In such circumstances, they can place number of witnesses and evidence to their best efforts.

**5.** It is be noticed that, The Hon'ble High Court of Karnataka in a judgment reported in 2000(3) KCCR page 1780 produced by the counsel for the Plaintiff has held that, if the valuation certificate is issued by the Sub-Registrar with respect to the fixation of valuation of a property then such certificate is sufficient. There is no question of issuing summons to the

Sub-Registrar and directing him to adduce evidence. Thereby, I don't find any grounds to allow the prayer of the Defendant No.1 to 8 with respect to this I.A.

**Hence, the I.A No.VIII is hereby dismissed.**

**No order as to cost.**

**Call on for enquiry on IA.No. VI. If any by 25/01/2024.**

**Sd/-**

Addl. Civil Judge and  
J.M.F.C. Bhatkal.