

ORDERS ON PRELIMINARY ISSUE NO.4

1. Plaintiffs have filed the present suit as against the defendants for the relief of partition and separate possession.

2. The defendant has filed his written statement wherein the defendant has taken up the specific defense that this court lacks pecuniary jurisdiction to try the above suit. In the written statement para No. 10, it is contended that, suit properties valuation is more than 50 lakhs rupees. Upon perusal of the pleadings and rival contentions, this court has framed the issue No.4 to prove as to whether this court has a pecuniary jurisdiction to try the above suit. Issue No.4 was treated as a preliminary issue and accordingly the same was taken up for hearing before proceeding for trial.

3. Heard both the sides.

4. The issue No.4 reads as follows:

Whether this court has pecuniary jurisdiction to try the above suit?

5. In order to prove that, this court has no pecuniary jurisdiction to try this suit. Defendant No.1 examined himself as DW.1 and Ex.D-65 is marked. Plaintiff counsel fully cross examined DW.1.

6. My answer to above said issue No.4 as under:

Issue No.4: In the Negative for following;

REASON

7. This is the suit filed by plaintiffs against the defendants for the relief of partition and separate possession when the case was posted for argument. Court has raised question regarding issue

No.4 which is framed with respect to pecuniary jurisdiction of this court. Before answering to other issues, this court has taken for consideration preliminary Issue No.4 with regard to pecuniary jurisdiction of this court.

8. In order to prove that, this court has pecuniary jurisdiction to try this suit, defendant No.1 has examined himself as DW.1 and Ex.D.65 is marked. Counsel for plaintiff as fully cross examined DW.1 with regard to pecuniary jurisdiction.

9. Ex.D-65 is Certified copy of valuation slip issued by Senior sub registered Yadgiri pertaining to the year 2017-2018. In the cross examination of DW.1 he has denied the suggestion made by the plaintiff counsel with regarding to false contention taken of pecuniary jurisdiction.

10. Learned counsel for the defendant has vehemently argued that as on the date of filing of this suit, the value of the suit property was beyond the pecuniary jurisdiction of this court. The value of the suit property exceeds the pecuniary jurisdiction of this court. Refuting the said line of argument canvassed by the counsel for defendant, the counsel appearing for the plaintiffs has submitted that this court has pecuniary jurisdiction to try the above suit.

11. Perused the valuation slip. The valuation slip with regard to Shahapur Pet is for commercial purpose 8800/- Per Sq.M. and for residential purpose 1500 Sq.M. Defendant also produced certified copy of valuation slip of the year of 2018-19 wherein for every Sq.M Rs.2300/- mentioned.

12. On perusal of all the valuation slips produced by the defendant, it shows that, market value with regard to those property are not suit properties. Defendant taken contention that, plaintiffs have not included non suit properties of family. With regarding to non joinder of other suit properties. This court has framed issue No.3 with regard to non inclusion of joint family property. Defendant contention that, this court has no jurisdiction because suit properties and non suit joint family properties are exceeds pecuniary jurisdiction of this court. On perusal of documents produced by the defendant, he has not produced any valuation slip of suit properties shown in the plaint. Defendant contention that, non suit properties are not included in this suit, therefore, the value of the suit properties and other family properties is more than pecuniary jurisdiction of this court. This court is of opinion that other suit properties are joint family properties or not it can not be consider in this issue. It is the duty of the plaintiff to included other properties of joint family, if those properties are joint family properties of parties to the suit. Without touching merit of the case, this court is opinion that, defendant has failed to convenience this court that, this court has no jurisdiction to try this suit. On perusal of all the documents. This court is of opinion that, this court has pecuniary jurisdiction to try this suit. **Accordingly this court answer Issue No.4 in the Negative.**

For Argument.

Call on: 13-01-2025.

**Addl.Civil Judge & JMFC.,
Yadgiri.**