

14.03.2024

O.S No.77/2023

Ptf by: S.B.P Adv.

Dfts by: M.V.K Adv.

ORDERS ON PRELIMINARY ISSUE NO.8

1. Plaintiff has filed the present suit as against the defendants for the relief of declaration of his title over the suit property, for perpetual injunction and for recovery of possession.

2. The defendants have filed their written statement wherein the defendants have taken up the specific defense that this court lacks pecuniary jurisdiction to try the above suit. Upon perusal of the pleadings and rival contentions, this court has framed the issue No.8 to prove as to whether this court has a pecuniary jurisdiction to try the above suit. Issue No.8 was treated as a preliminary issue and accordingly the same was taken up for hearing before proceeding for trial.

3. Heard both the sides. The issue No.8 reads as follows:

Whether this court has pecuniary jurisdiction to try this suit?

4. After framing of issues, when the stage was posted for hearing on issue No.8, learned counsel for the plaintiff has submitted the certified copy of the valuation slip issued by the Sub-Registrar, Yadgiri pertaining to the year 2018-2019 and the endorsement issued by the sub-registrar stating that the same valuation holds good even for the year 2023. Learned counsel for the defendants 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 defendants, the learned counsel appearing for the plaintiff has submitted that this court has pecuniary jurisdiction to try the above suit.

5. The subject matter of this suit is a land measuring 03 acres situated in Sy.No.71/2 of Madepalli village. It is not the case of the parties that the suit property is a converted land into non-agricultural purpose or for commercial purpose. Perused the valuation slip. As per the government valuation, as on the date of filing of the above suit the value of the suit property was Rs.1,38,000/- per acre. The extent of suit property is 03 acres. Therefore, as per the government valuation, as on the date of filing of the above suit the total value of the suit property was Rs.4,14,000/-[Rupees Four Lakhs Fourteen Thousands Only]. Whereof it is clear like a cloudless sky that this court has pecuniary jurisdiction to try the above suit. Therefore, from the above it is clear that the value of the suit property will not exceed the pecuniary jurisdiction of this court. Accordingly, I conclude that this court has pecuniary jurisdiction to try the above suit.

Whereof, I answer Preliminary issue No.8 in the Affirmative.

Accordingly, I proceed to pass the following;

ORDER

The Issue No.8 is answered in the Affirmative. This court has pecuniary jurisdiction to try the above suit.

For plaintiff side evidence by 24.06.2024.

**CIVIL JUDGE & JMFC,
YADGIR**