



RCS No. 112/2004
Satyanarayan Vs. Ramesh
CNR No. MHAK090000922004

ORDER AT EXH.87

This is an application of defendants u/s 8 of Suit Valuation Act for dismissal of suit for want of jurisdiction.

2. Read application and say filed by plaintiff at Exh.88.
3. Despite sufficient opportunity and time, Ld. Adv. for the defendant did not argue, heard Ld. Adv. for the plaintiff only.
4. It is submitted by the defendants that; the suit is for recovery of possession and arrears of license fee, wherein plaintiff has valued the suit on the basis of one year license fee. The suit property is situated in commercial area which values more than 30 lakhs rupees. Plaintiff has not produced the valuation certificate. Pecuniary jurisdiction of this court is up to rupees 5 lakh only, that the suit property values rupees 30 lakhs. Thus, as per sec.8 of Suit Valuation Act, it is necessary to conduct the inquiry into valuation of the property. Defendants cannot obtain valuation certificate from the Sub-registrar. Court fee cannot be decided on the basis of annual license fee and thus, preliminary question about maintainability of the suit arises and thus, it is necessary to conduct the inquiry and plaint be returned or suit be dismissed as not maintainable before this court for want of pecuniary jurisdiction.
5. On contrary, plaintiff opposed the application and contended and argued that, sec.8 of the Suit Valuation Act is misinterpreted by the defendants. This court has jurisdiction to decide the suit. Previously also an application under order-VII rule-11 of CPC was rejected by the court. Plaintiff has adduced his evidence. The application is nothing but to delay the proceeding and be rejected.
6. The suit is for recovery of possession and arrears of license fee, wherein the suit property is a commercial shop in which defendants are

licensee under Leave and License Agreement executed by the parties on 31.08.2001 for the monthly license fee of Rs.1000/-.

7. Sec.8 of the Suit Valuation Act provides for *court-fee value and jurisdictional value to be the same in certain suits.—Where in suits other than those referred to in the Court-fees Act, 1870 (7 of 1870), section 7, paragraphs v, vi and ix, and paragraph x, clause (d), court-fees are payable ad-valorem under the Court-fees Act, 1870, the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the same.*

8. In Shaha Ratilala Manilala Vs. Shaha Chandulala Chotalala, 1946 SCC Online Bombay 56, Hon'ble High Court has held that, suits for possession of immovable property fall under section-7 (5) of the Court Fees Act and are valued according to the subject matter of the suit. When a plaintiff sues for possession, claiming that the defendant is in possession as his licensee court fee is payable according to the market value of the suit property.

9. In case in hand, plaintiff has valued the suit for court fee and jurisdiction purpose at Rs.25,000/- only. However, the suit property being a commercial shop, how and to what extent is its market value, is not explained by the plaintiff and thus, following is the order.

ORDER

1. Plaintiff is directed to file market valuation of the suit property on or before next date.
2. Exh.87 will be disposed of finally on receiving the valuation of the suit property accordingly.

Date:- 02.01.2026

(R. R. PAKADE)
Jt. Civil Judge, J.D., Murtizapur.

CERTIFICATE

I affirm that the contents of this P.D.F. File Order/Judgment are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	S. R. Adhau
Name of the Court	Jt. Civil Judge (J.D.) & J.M.F.C., Murtizapur.
Date of Order/Judgment	02.01.2026
Order/Judgment Signed by the P.O. on	02.01.2026
Judgment/Order uploaded on	03.01.2026