

Common Order below Exhibit – 25 and 31 in RCS No. 16 -2016

- 1) The defendant no. 1 and defendants no. 6/1 to 6/4 has filed present applications for framing preliminary issue regarding pecuniary jurisdiction. The present suit is filed for declaration, permanent injunction. The plaintiff has also sought declaration that registered tripartite agreement dated 17.11.2009 is not binding upon them.
- 2) The plaintiffs have objected the application and stated that they are seeking possession of the suit property. The suit is filed only for declaration. The suit is properly valued. Therefore, this court has pecuniary jurisdiction. In this way, the plaintiffs prayed for dismissal of the application.
- 3) Perused applications and say. Heard both sides. The wordings in the prayer no.5, depicts that such declaration may amount to seek cancellation of Tripartite Agreement. Admittedly, the value of the tripartite agreement is Rs. 1,40,40,000/-. Considering the situation and market value of the tripartite agreement, it is proper to frame preliminary issue of pecuniary jurisdiction. Hence following order -

-ORDER-

1. Preliminary issue of pecuniary jurisdiction to try and entertain the present suit is framed under section 9A of the Civil Procedure Code.
2. Parties to lead evidence on preliminary issue.

Date : 21.03.2017

(S.S.Jain)
Jt. Civil Judge Junior Division, Uran

ORDER BELOW EXHIBIT - 1

Following preliminary issue is framed vide order dated 21.03.2017
in view of common order below exhibit – 25 and 31

***“Whether this court has pecuniary jurisdiction to try and entertain
the suit ?”***

Date : 21.03.2017

(S.S. Jain)
Jt. Civil Judge, Jr. Div., Uran