



2026:CGHC:506



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CR No. 37 of 2025

1 - Pawan Kumar Agrawal S/o Shivkumar Agrawal @ Shibu Aged About 38 Years R/o Near Old Bus Stand, Beside Maya Lodge, Bramha Road, Ambikapur, P.S. And P.O. Ambikapur, District Surguja Chhattisgarh (Defendant No. 2)

**...Applicant
(Defendant No. 2)**

versus

**1 - Premlata Devi W/o Late Shivkumar Agrawal @ Shibu (As Alleged In
Plaint) Aged About 58 Years R/o Near Old Bus Stand, Behind Maya
Lodge, Joda Talab, Babupara, Ambikapur, P.S. And P.O. Ambikapur,
District Surguja, Chhattisgarh (Plaintiff)**

**2 - Ramavatar Agrawal S/o Late Satyanarayan Agrawal Aged About 63
Years R/o New Deepak Interprises, Near State Bank, Sadar Road,
Ambikapur, P.S. And P.O. Ambikapur, District Surguja Chhattisgarh (Def.
No.1)**

**3 - Anita Agrawal D/o Shiv Kumar Agrawal @ Shibu, W/o Amit Agrawal
Aged About 43 Years R/o Near Old Bus, Beside Maya Lodge, Bramha
Road, Ambikapur, P.S. And P.O. Ambikapur, District Surguja
Chhattisgarh(Def.No.3)**



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4 - Aakash Agrawal S/o Late Rajesh Agrawal Aged About 20 Years R/o Near Old Bus Stand, Beside Maya Lodge, Bramha Road, Ambikapur, P.S. And P.O. Ambikapur, District Surguja Chhattisgarh (Def. No. 4)

5 - State Of Chhattisgarh Through Collector Surguja, Ambikapur, District Surguja, Chhattisgarh (Def. No. 5)

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner:- Ms. Priyanka Mehta, Advocate

For State :- Mr. Arpit Agrawal, P.L.

For Respondent No. 1 :- Mr. Rakesh Kumar Jha, Advocate

For Respondent No.2 :- Mr. Rahul Mishra, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

05.01.2026

1. Being aggrieved by the order dated 17.01.2025 passed by the 2nd Civil Judge, Junior Division, Ambikapur, District Surguja (C.G.) in Civil Suit No. 142-A/2021 (Premlata Agrawal v. Ramavatar Agrawal & Ors.), whereby the learned Trial Court rejected the application filed by the applicant/defendant No. 2 under Order VII Rule 11 CPC, the present revision is preferred.
2. Following prayer has been made by way of this revision petition:-

"It is therefore most humbly prayed that this Hon'ble court may kindly be pleased to allow the instant revision and order dated 17.01.2025 passed by 2nd Civil Judge Junour Division, Ambikapur, District. Surguja, C.G,



passed in Civil Suit No. 142A/2021, passed in the matter of "Premlata Agrawal Vs. Ramavatar Agrawal & Ors." (Annex. A/1), may kindly be set aside and application filed by the applicant/defendant no. 2 under order 7 rule 11 of Code of Civil Procedure (Annex. A/3) may kindly be allowed and suit filed by the plaintiff/res. no. 1 may kindly be dismissed."

3. Brief facts of the case are that the plaintiff filed a suit for declaration of title, declaration that the compromise decree passed in Civil Suit No. 186-A/2013 is not binding on her, partition and separate possession of the suit lands described in Schedules "A" to "E", valuing the suit at Rs. 8,000/- and paying court fee of Rs. 800/-. The applicant filed an application under Order VII Rule 11 CPC contending that the lands in Schedules "A", "B" and "C" are Nazul lands having residential constructions of the defendants, whose valuation as per Government guideline exceeds Rs. five crores; since the plaintiff has claimed 1/3rd share, proper ad-valorem court fee on such valuation was mandatory. It was further contended that upon correct valuation, the suit would exceed the pecuniary jurisdiction of the Trial Court. In reply, the plaintiff admitted that the lands in Schedules "A", "B" and "C" are Nazul lands. However, the learned Trial Court, by the impugned order, rejected the application holding that the suit land is revenue land and that the valuation and court fee paid are



proper under Sections 7(iv)(c) and 7(v)(b) of the Court Fees Act.

The impugned order is illegal, erroneous and contrary to the provisions of the Court Fees Act and the Suit Valuation Act; the reasons assigned are vague, improper and unsustainable in law.

4. Learned counsel for the applicant submits that the suit has been undervalued and, therefore, is liable to be dismissed, as the issue of jurisdiction goes to the root of the matter. It is contended that if the correct valuation places the suit beyond the pecuniary jurisdiction of the present Court, the plaint would necessarily be required to be returned for presentation before the competent Court. On this ground, it is submitted that the present revision deserves to be allowed.
5. Learned counsel for the respondents submits that even if this revision is allowed, the suit would not be dismissed; rather, the plaint would be returned to the plaintiff for presentation before the appropriate Court having the requisite territorial and pecuniary jurisdiction.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the aforesaid submissions advanced by learned counsel for the parties and upon examination of the record, this Court is of the considered opinion that the issue relating to valuation of the suit and fixation of proper court-fees goes to the



root of the matter and directly affects the question of pecuniary jurisdiction of the trial Court.

8. The learned trial Court is, therefore, directed to frame a preliminary issue with regard to the correct valuation of the suit and payment of appropriate court-fees and to decide the same in accordance with law. In the event it is found that, upon proper valuation, the suit falls beyond the pecuniary jurisdiction of the trial Court, the Court concerned shall return the plaint to the plaintiff for presentation before the competent Court having appropriate territorial and pecuniary jurisdiction.
9. Accordingly, the impugned order, insofar as it holds that the suit is within the pecuniary jurisdiction of the trial Court, is hereby set aside. The revision petition is, thus, **disposed of**.

Sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha