

ACT No. VII OF 1887.¹

[THE SUITS VALUATION ACT, 1887.]

[11th February 1887]

Adapted and modified by A. O. 1937.

„ „ „ „ A. O. 1948.

„ „ „ „ A. O. 1950.

Adapted and modified by the Adaptation of Laws (No. 2) Order, 1956.

Amended by Bom. 36 of 1959.

„ „ Mah. 4 of 1960.†

„ „ „ 9 of 1970

An Act to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto.

WHEREAS it is expedient to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto; It is hereby enacted as follows:—

1. This Act may be called the Suits Valuation Act, 1887 ²[and it extends to the Title. whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States] ³[other than the Hyderabad area of the State of Maharashtra].

PART I.

SUITS RELATING TO LAND.

42. On the date of commencement of the Suits Valuation (Maharashtra Extension and Amendment) Act, 1960, sections 3 to 5 (both inclusive) shall cease to be in force throughout the State of Maharashtra, but the State Government may, by notification in the *Official Gazette*, bring the said sections into force in the whole of the State or any local area, from such date as may be specified in such notification.] Commencement of sections 3 to 5.

¹ For Statement of Objects and Reasons, see *Gazette of India*, 1886, Pt. V, p. 791 ; for report of the Select Committee, see *ibid.*, 1887, Pt. IV, p. 18; and for Proceedings in Council, see *ibid.*, 1886, Supplement, pp. 1131 and 1155, and *ibid.*, 1887, Pt. VI, pp. 16 and 21.

² Added by the Adaptation of Laws (No. 2) Order, 1956.

³ These words were added by Mah. 4 of 1960, s. 3.

⁴ This section was substituted, *ibid.*, s. 4.

†Section 12 of Mah. 4 of 1960 reads as under:—

“12. (1) The Suits Valuation (for Purpose of Jurisdiction) Act, in its application to the Hyderabad area of the State of Maharashtra, is hereby repealed. Repeal and savings.

(2) The repeal under sub-section (1) shall not affect—

(a) the previous operation of the Act so repealed; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under that Act.

(3) Notwithstanding the repeal of the Suits Valuation (for Purpose of Jurisdiction) Act, in its application to the Hyderabad area of the State of Maharashtra, any suit or legal proceeding pending immediately, before the date of such repeal before any Court by virtue of the provisions of section 5 of that Act shall be continued before and disposed of by that Court, as if this Act had not come into force.”

Power for
[State
Government]
to make rules
determining
value of land
for jurisdic-
tional
purposes.

3. (1) The [State] Government may^{3*} * * * * * make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in [paragraphs (v) and (vi) and clause (d) of paragraph (xi) in section 6 of the Bombay Court-fees Act, 1959].

Bom.
XXX-
VI of
1959.

(2) The rules may determine the value of any class of land, or of any interest in land, in the whole or any part of a local area and may prescribe different values for different places within the same local area.

Valuation of
relief in
certain suits
relating to
land not to
exceed the
value of the
land.

4. Where a suit mentioned in [clause (c), (d), (e), (g), (i) or (j) of paragraph (iv) or paragraph (vii) in section 6 or Article 3, 4, 5 or 7 in Schedule I or clause (f) of Article 23 in Schedule II to the Bombay Court-fees Act, 1959,] relates to land or an interest in land of which the value has been determined by rules under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

Bom.
XXX-
VI of
1959.

Making and
enforcement
of rules.

5. (1) The [State] Government shall, before making rules under section 3, consult the High Court with respect thereto.

(2) A rule under that section shall not take effect till the expiration of one month after the rule has been published in the [Official Gazette].

6. [Repeal of section 14 of the Madras Civil Courts Act, 1873.] Deleted by Mah. 4 of 1960, s. 7.

PART II.

OTHER SUITS.

Extent and
commence-
ment of Part
II.

7. This Part^{7*} * * * shall come into force on the first day of July, 1887 :

⁸[Provided that, in the Hyderabad area of the State of Maharashtra it shall come into force on the date of commencement of the Suits Valuation (Maharashtra Extension and Amendment) Act, 1960.].

Mah.
IV of
1960.

Court-fee
value and
jurisdictional
value to be
the same in
certain suits.

8. Where in suits other than those referred to in [paragraphs (v), (vi) and (x) and clause (d) of paragraph (xi) in section 6 of the Bombay Court-fees Act, 1959, court-fees are payable *ad valorem* under the Bombay Court-fees Act, 1959,] the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the same.

Bom.
XXX-
VI of
1959.
Bom.
XXX-
VI of
1959.

¹ Substituted by A. O. 1937 for "L.G."

² Substituted by the A. O. 1950 for "Provincial"

³ The words "[subject to the control] of the G. G. in C." rep. by the A. O. 1937. The words in brackets were substituted by the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I for "with the previous sanction"

⁴ This portion was substituted for the words, figures, brackets and letter "the Court-fees Act, 1870, section 7, paragraphs (v) and (vi) and paragraph (x), clause (d)" by Mah. 4 of 1960, s. 5.

⁵ This portion was substituted for the words and figures "the Court-fees Act, 1870, section 7, paragraph (iv), or Schedule II, Article 17," *ibid.*, s. 6.

⁶ Substituted by the A. O. 1937, for "local official Gazette".

⁷ The words "extends to the whole of India except Part B States" were omitted by the A. O.(2), 1956.

⁸ This proviso was added by Mah. 4 of 1960, s. 8.

⁹ This portion was substituted for the words, figures, brackets and letter "the Court-fees Act, 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", *ibid.*, s. 9.

VII of 1870. [9. Where the subject-matter of suits other than suits mentioned in the Court-fees Act, 1870, section 7, paragraphs (v) and (vi), and paragraph (x), clause (d), or in any corresponding provision of the Court-fees Act, for the time being in force in any area in the State, is such that it does not admit of being satisfactorily valued, then such suits shall, for the purposes of this Act, and if the High Court, with the previous sanction of the State Government, so directs also for the purposes of any other enactment for the time being in force specified in that behalf by the High Court, be treated as if their subject-matter is of the value of three hundred rupees ; and the provisions of the last preceding section shall apply as if the court-fees therein are payable *ad valorem* under the relevant Court-fees Act.] Value of certain suits to be three hundred rupees.

10. [Repeal of s. 32, Punjab Courts Act, 1884 (XVIII of 1884).] Rep. by the Amending Act, 1891 (XII of 1891), s. 2 and Sch. I.

PART III.

SUPPLEMENTAL PROVISIONS.

V of 1908. 11. (1) Notwithstanding anything in ²[section 99 of the Code of Civil Procedure, 1908] an objection that by reason of the over-valuation or under-valuation of a suit or appeal a Court of first instance or lower appellate Court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an appellate Court unless— Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes.

(a) the objection was taken in the Court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower appellate Court in the memorandum of appeal to that Court, or

(b) the appellate Court is satisfied, for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued, and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits.

(2) If the objection was taken in the manner mentioned in clause (a) of sub-section (1), but the appellate Court is not satisfied as to both the matters mentioned in clause (b) of that sub-section and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the Court of first instance or lower appellate Court.

(3) If the objection was taken in that manner and the appellate Court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the Court with respect to the hearing of appeals ; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a Court competent to entertain the suit or appeal.

¹ This section was substituted by Mah. 9 of 1970, s. 2.

² These words and figures were substituted for the words and figures " section 578 of the Code of Civil Procedure " by Mah. 4 of 1960, s. 11.

(4) The provisions of this section with respect to an appellate Court shall, so far as they can be made applicable, apply to a Court exercising revisional jurisdiction under ¹[section 115 of the Code of Civil Procedure, 1908] or other enactment for the time being in force. V of 1908.

(5) This section ^{2*} * * shall come into force on the first day of July 1887 :

³[Provided that, in the Hyderabad area of the State of Maharashtra it shall come into force on the date of commencement of the Suits Valuation (Maharashtra Extension and Amendment) Act, 1960.] Mah. IV of 1960.

Proceedings pending at commencement of Part I or Part II.

12. Nothing in Part I or Part II shall be construed to affect the jurisdiction of any Court—

(a) with respect to any suit instituted before rules under Part I applicable to the valuation of the suit take effect, or Part II has come into force, as the case may be, or

(b) with respect to any appeal arising out of any such suit.

¹ These words and figures were substituted for the words and figures "section 622 of the Code of Civil Procedure" by Mah. 4 of 1960, s. 11(2).

² The words "extends to the whole of India except Part B States" were omitted by the A. O.(2), 1956.

³ This proviso was added by Mah. 4 of 1960, s. 11(3).