

The Suits Valuation Act, 1887

(ACT NO. VII OF 1887)

[11th February, 1887]

¹♣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:-

CONTENTS

Title

1. This Act may be called the Suits Valuation Act, 1887.

PART I

SUITS RELATING TO LAND

Extent and commencement of Part I

2. This part shall extend to ²[Bangladesh] and come into force therein on such dates, as the Government, by notification in the official Gazette, directs.

Power for Government to make rules determining value of land for

3. (1) The Government may make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in the Court-fees Act, 1870, section 7, paragraphs v and vi, and paragraph x, clause (d).

jurisdictional purposes

(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 the Court-fees Act, 1870, section 7, paragraph iv, or Schedule II, article 17, 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.

Making and enforcement of rules

5. (1) The Government shall, before making rules under section 3, consult the ³[Supreme 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.

[Repealed]

6. [Omitted by the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.]

PART II

OTHER SUITS

Extent and commencement of Part II

7. This Part extends to the whole of Bangladesh, and shall come into force on the first day of July, 1887.

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

8. Where in suits other than those referred to in 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,

the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the same.

Determination of value of certain suits by Supreme Court

9. When the subject-matter of suits of any class, other than suits mentioned in the Court-fees Act, 1870, section 7, paragraphs v and vi and paragraph x, clause (d), is such that in the opinion of the ⁴[Supreme Court] it does not admit of being satisfactorily valued the ⁵[Supreme Court] may, with the previous sanction of the Government, direct that suits of that class shall, for the purposes of the Court-fees Act, 1870, and of this Act and any other enactment for the time being in force, be treated as if their subject-matter were of such value as the ⁶[Supreme Court] thinks fit to specify in this behalf.

[Repealed]

10. [Repealed by section 2 and Schedule I of the Amending Act, 1891 (Act No. XII of 1891).]

PART III

SUPPLEMENTAL PROVISIONS

Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes

11. (1) Notwithstanding anything in ⁷[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-

(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.

(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 ⁸[section 115 of the Civil Procedure Code, 1908,] or other enactment for the time being in force.

(5) This section extends to the whole of Bangladesh, and shall come into force on the first day of July, 1887.

**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 Throughout this Act, except otherwise provided, the words “Bangladesh” and “Government” were substituted, for the words “Pakistan” and “Provincial Government” respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- ² The word “Bangladesh” was substituted, for the words “such local areas” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- ³ The words “Supreme Court” were substituted, for the words “High Court” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
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- ⁷ The words, figures and commas “section 99 of the Code of Civil Procedure, 1908,” were substituted, for the words and figure “section 578 of the Code of Civil Procedure” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- ⁸ The words, figures and commas “section 115 of the Civil Procedure Code, 1908,” were substituted, for the words and figure “section 622 of the Code of Civil Procedure” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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