

Suits Valuation Act - Rules made by High Court under Section 9

PUNJAB

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Rule

SUITS-VALUATION-ACT-RULES-MADE-BY-HIGH-COURT-UNDER-SECTION 9 OF 1943

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Suits Valuation Act - Rules made by High Court under Section 9 These rules came into force on the 2nd January 1943 vide High Court Notification No. 363-R/30-3, dated the 2nd December 1942 Rules made by the High Court with the previous sanction of the State Government, under the powers conferred by section 9 of the Suits Valuation Act, 1887, and all other powers in that behalf, for determining for the purposes specified therein, the value of the subject-matter of certain classes of suits which do not admit of being satisfactorily valued, and for the treatment of such classes of suits as if their subject-matter were of the value as hereinafter stated :-

1.

(i) Suits in which the plaintiff in the plaint asks for a decree against the other party to an alleged marriage, either alone or with other defendants, for restitution of conjugal rights; (ii) Similar suits for a decree establishing, annulling or dissolving a marriage or for a declaration that a marriage is void or has been annulled, dissolved or otherwise terminated. (iii) Suits in which the plaintiff in the plaint ask for a decree establishing an adoption or declaring it void including under the expression "adoption" the customary appointment of an heir - Value - (a) For the purposes of the Court-fees Act, 1887, Rs. 200 (b) For the purposes of the Suits Valuation Act, 1887, and the Punjab Courts Act, 1918, Rs. 1,000 Explanation - Classes (i) and (ii) do not include petitions under any special Act relating to the dissolution of marriage.

2.

Suits by a plaintiff, during the lifetime of a person alleged to have a restricted power of alienation in respect of immovable property, in which the plaintiff in the plaint seeks to have an alienation of

immovable property made by such person declared to be void, except for the life of such person or for some other determinate period -Value - (a) For the purposes of the Court-Fees Act, 1870 as determined by that Act;(b)For the purposes of the Suits Valuation Act, 1887, and the Punjab Courts Act, 1918 -(i)When the alienation is by a written instrument which declares the value of the interest purporting to be created, or the amount of the consideration for which the alienation is made - such value or amount;(ii)In other cases - the market value, at the date of the institution of the suit, of the property alienated;Subject in either case to the provisions of Part I of the Suits Valuation Act, 1887, and of the rules in force under the said part, so far as those provisions are applicable.

3.

Suit in which the plaintiff in the plaint asks for accounts only not being -(i)Suits to recover the amount which may be found due to the plaintiff on taking unsettled accounts between him and the defendant;(ii)Suits of either of the kinds described in Order XX, rule 13 of the Code of Civil Procedure.Value - (a) For the purposes of the Court-fees Act,, 1887, Rs. 200.00(b)For the purposes of the Suits Valuation Act, 1887 and the Punjab Courts Act, 1918, Rs. 1,000.00

4.

(i)Suits in which the plaintiff in the plaint seeks to recover the amount which may be found due to the plaintiff on taking unsettled accounts between him and the defendant;(ii)Suits of either of the kinds described in Order XX, rule 13 of the Code of Civil Procedure;

Value for the
purpose of
Court-fee.

(a) As determined by the Court-fees Act, 1870.

Value for the
purpose of
jurisdiction

(b) For the purposes of the Suits Valuation Act, 1887, andthe Punjab Courts Act, 1918, as valued by the plaintiff in theplaint, subject to determination by the Court at any stage ofthe trial.

5.

Suits in which the plaintiff in the plaint seeks to establish or to negative any right hereinafter mentioned, without an injunction, and with or without damages, namely:-A right of way; a right to open or maintain or close a door or a window; or a drain, or a water spout (parnala); a right to or in a water-course or to the use of water; a right to build, or raise, alter or demolish a wall; or to use an alleged party wall or joint staircase;Value - (a) For the purpose of the Court-fees Act, 1870

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| (i) Suits to establish a right - whether or not injunction is prayed for | Rs. 130.00 |
| (ii) Suits to establish a right and for damages whether or not injunction is prayed for plus such sum as is claimed as damages; | Rs. 130.00 |
| (b)For the purposes of the Suits Valuation Act, 1887, and the Punjab Courts Act, 1918, as for the purposes of the Court-fees Act, 1870. | |

6.

Suits in which the plaintiff in the plaint seeks to set aside an award, and applications registered as suits under the provisions of sections 20 and 31 of the Indian Arbitration Act, X of 1940 (to file an agreement to refer to arbitration or to file an award), when or so far as the award or the agreement relates to property:-Value - (a) For the purposes of the Court-fees Act, 1870 - as determined by that Act.(b)For the purposes of the Suits Valuation Act, 1887, and the Punjab Courts Act, 1918 (as amended), the market value of the property in dispute, subject to the provisions of Part I of the Suits Valuation Act, 1887, and of the rules in force under the said Part, so far as those provisions are applicable.

7.

Suits in which the plaintiff in the plaint, asks for a mere declaration without any consequential relief in respect of property other than land assessed to land revenue.Value - (a) For the purposes of the Court-fees Act, 1870, as determined by that Act.(b)For the purposes of the Suit Valuation Act, 1887, and the Punjab Courts Act, 1918 - the market value of the property in dispute, at the date of institution of the suit, subject to the provisions of Part I of the Suits Valuation Act, 1887, and the rules in force under the said Part, so far as those provisions are applicable.

8.

Suits for partition of property.Court-fee - (a) As determined by the Court-fees Act, 1870.Value - (b) For the purposes of the Suits Valuation Act, 1887 and the Punjab Courts Act, 1918 - the value of the whole property as determined by sections 3, 8 and 9 of the Suits Valuation Act, 1887.

9.

Suits in which the plaintiff in the plaint asks for redemption of the property mortgaged or foreclosure of the mortgage :-Value - (a) For the purposes of the Court-fees Act, 1870, as fixed by section 7 (ix) of that Act.(b)For the purposes of the Suit Valuation Act, 1887, and the Punjab Courts Act, 1918 - the amount of the principal and interest calculated on the terms of the mortgage at the date of the institution of the suit.

10.

Suits in which the plaintiff asks for cancellation of a decree for money or other property having a money value, or other document securing money or other property having such value;Value - (a) For the purposes of the Court-fees Act, 1870 - as determined by that Act.(b)For the purposes of the Suit Valuation Act, 1887, and the Punjab Courts Act, 1918, according to the value of the subject-matter of the suit, and such value shall be deemed to be :(i)If the whole decree or other document is sought to be cancelled, the amount or the value of the property for which the decree was passed or the other document executed;(ii)If a part of the decree or other document is sought to be cancelled, such part

of the amount or value of the property.

11.

The foregoing rules are subject to the following explanations :-(i)the term "plaint" includes an amended as well as original plaint,(ii)a suit falling within any of the above description is not excluded therefrom merely by reason of the plaint seeking other relief in addition to that described in any of the foregoing rules.