

The Suits Valuation Act, 1887

UNION OF INDIA

India

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Act 7 of 1887

- Published on 1 November 1956
- Commenced on 1 November 1956
- [This is the version of this document from 1 November 1956.]
- [Note: The original publication document is not available and this content could not be verified.]

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088.

Statement of Objects and Reasons.-The principal object of this Bill is to prescribe a simple mode of valuing suits relating to land for the purpose of determining the jurisdiction of those Courts with respect to them. Most of those suits are of course cognizable exclusively by Civil Courts but some of them, as for instance, suits in the Punjab under section 9 of the Specific Relief Act, may be tried by Revenue Courts. It has been brought to the notice of the Government that, while the Civil Courts Acts of the several Provinces, with the exception of that in force in the Presidency of Madras prescribe no special rules for fixing the value for jurisdiction of the subject-matter of land suits, but simply define the limit of the jurisdiction of each grade of Court by the money value of the subject-matter in suit, thus leaving the market value to be the strictly legal criterion, a practice has sprung up, generally in the inferior Courts, of accepting in the absence of any express provision of law to the contrary the Court-fee valuation as laid down in section 7, paragraph (v) of Act 7 of 1870, for purposes of jurisdiction also. The generally admitted result is that land suits are undervalued and dispose of by Courts not strictly competent to try them. In order to remedy this state of things the present Bill has been prepared. It empowers (section 2) the Local Government to frame rules, subject to the sanction of the Governor General in Council, for determining the value of land in the territories under its administration for purposes of jurisdiction in the suits mentioned in section 7, paragraphs (v) and (vi), and paragraph (x), clause (d) of the Court-fees Act, 1870, namely, suits for possession of land, to enforce a right of pre-emption, and for specific performance of an award relating to land. These rules are to be made after consultation with the High Court; and the Bill provides (section 7) a procedure for the publication of proposed rules, so that the Courts and the public may have an opportunity of preferring any objections which they may have to them before the rules are made. The Bill further declares (section 3) that where a suit mentioned in paragraph (iv) of section 7 of Article 17 of Schedule II of the Court-fees Act, relates to land, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land to

which the suit relates as determined by the rules under the Act. In addition to the foregoing provisions which relate exclusively to land suits section 4 provides that in other suits in which Court-fees are payable ad valorem, the value for purposes of jurisdiction shall be estimated in accordance with the rules which regulate the value for Court-fee purposes. Section 5 of the Bill is taken from sections 206-208 of the North-Western Provinces Rent Act, 1881, and has been inserted at the suggestions of Sir Charles Turnels, late Chief Justice of Madras. It lays down a special procedure, for cases in which the objects that a suit was not properly valued for purposes of jurisdiction is taken in an appellate Court, an objection which the Bill declares may not be entertained unless it was taken in the Court of first instance. Lastly, the Bill (section 6) repeals section 14 of the Madras Civil Courts Act, 1873 which enacts the rule of valuation which it is the object of this Bill to abolish, namely, the valuation for jurisdiction in the case of land suits shall be in accordance with the Court-fee valuation prescribed by section 7, paragraph (v) of the Court-fees Act, 1870. In order, however, to prevent hardship or inconvenience to suitors it is provided that this repeal shall not affect any suit instituted before the rules under the proposed Act take effect. [11th February, 1887]...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. Title

.This Act may be called The Suits Valuation Act, 1887 [and it extends to the whole of India except the territories which immediately before the 1st November, 1956, were comprised in Part B States.] [Added by the Adaptation of Laws (No.2) Order, 1956.]

Part I – Suits Relating To Land

2. Extent and commencement of Part I

.This Part shall extend to such local areas, and come into force therein on such dates, as the [State Government] [Substituted by the Adaptation of Laws (No.2) Order, 1956, for "Government of a Part A State or a Part C State," .], by notification in the Official Gazette, [directs] [Part I of the Act has under Section 2 been declared to extend to the Punjab, and to come into force therein on the 1st day of March, 1889. Part I has also been extended to the Himachal Pradesh with effect from 13th December, 1958.].

3. Power for State Government to make rules determining value of land for jurisdictional purposes

(1)The [State Government] [Substituted by A.O.1950, for "Provincial Government" .] may [* * *] [The words "subject to the control of the Governor-General in Council" omitted by A.O.1937.] make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in the Court-fees Act, 1870 (7 of 1870), section 7, paragraphs V and VI, and paragraph X, clause (d). (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.

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

.Where a suit mentioned in the Court-fees Act, 1870 (7 of 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.

5. Making and enforcement of rules

(1)The [State Government] [Substituted by A.O.1950, for "Provincial Government" .] shall, before making [rules] [See Gujarat Suits Valuation Rules, 1966.] 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

.On and from the date on which rules under section 3 take effect in any part of the territories under the administration of the Governor of Fort Saint George in Council to which the Madras Civil Courts Act, 1873 (3 of 1873) extends, section 14 of that Act shall be repealed as regards that part of those territories.

Part II – Other Suits

7. Extent and commencement of Part II

.This Part [* * *] [The words "extends to the whole of India except Part B States, and" omitted by the Adaptation of Laws (No.2) Order, 1956.] shall come into force on the first day of July, 1887.

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

.Where in suits other than those referred to in the Court-fees Act, 1870 (7 of 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 (7 of 1870), the value as determinable for the computation of Court-fees and the value for purposes of jurisdiction shall be the same.

9. Determination of value of certain suits by High Court

.When the subject-matter of suits of any class, other than suits mentioned in the Court-fees Act,

1870 (7 of 1870), section 7, paragraphs v and vi, and paragraph x, clause (d), is such that in the opinion of the High Court it does not admit of being satisfactorily valued, the High Court may, with the previous sanction of the [State Government] [Substituted by A.O.1950.] direct that suits of that class shall, for the purposes of the Court-fees Act, 1870 (7 of 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 High Court thinks fit to specify in this behalf.

10. Repeal of section 32 of the Punjab Courts Act, 1884 (18 of 1884)

[Repealed by the Repealing and Amending Act, 1891 (12 of 1891), section 2 and Schedule I.]...

Part III – Supplemental Provisions

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

(1) Notwithstanding anything in [section 578] [Now see the Code of Civil Procedure, 1908 (5 of 1908), Section 99.] of the Code of Civil Procedure (14 of 1882), 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 [section 622] [Now see the Code of Civil Procedure. 1908 (5 of 1908), Section 115.] of the Code of Civil Procedure (14 of 1882) or other enactment for the time being in force. (5) This section [* * *] [The words "extends to the whole of India except Part B States and" omitted by the Adaptation of Laws (No.2) Order, 1956.] shall come into force on the first day of July, 1887.

12. Proceedings pending at commencement of Part I or Part II

.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.