

The U.P. Suits Valuation Rules, 1942

UTTAR PRADESH

India

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Rule THE-U-P-SUITS-VALUATION-RULES-1942 of 1942

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The U.P. Suits Valuation Rules, 1942 Published vide Judicial Department (Civil) Miscellaneous No. 2160/7-487-41, dated April 4, 1942, published in the U.P. Gazette, dated April 11, 1942 Part 1-A, pages 99 and 100 In exercise of the powers conferred by sub-section (1) of Section 3 of the Suits Valuation Act, 1887 (VII of 1887), as amended in its application to the Uttar Pradesh Suits Valuation (Amendment) Act, 1939 (VII of 1939), the Governor of the Uttar Pradesh in supersession of Government Notification No. 1874/VII-447, dated the 27th November, 1929, hereby makes the following rules for determining the value of land for purposes of jurisdiction in the suits, mentioned in Paragraphs V, V-A and V-B of Section 7 of the Court Fees Act, 1870 (VII of 1870), as amended in its application to the Uttar Pradesh by the Uttar Pradesh Court Fees (Amendment) Act, 1938 (XIX of 1938), and the Court Fees (Uttar Pradesh Amendment) Act, 1941 (IX of 1941).

1. Short title, extent and commencement.

(a) These rules may be called the Uttar Pradesh Suits Valuation Rules, 1942. (b) They shall apply to the whole of the Uttar Pradesh. (c) They shall come into force from the date of their notification in the official

2. Definitions.

- In these rules there is anything repugnant to the subject or (a) "Government" means the Government of Uttar Pradesh ; (b) "estate" means any land subject to the payment of revenue for which the proprietor or farmer or raiyat shall have executed separate engagement with the Government or which in the absence of such engagement, shall have been separately assessed with revenue ; (c) "rent-free grant" or "land at a favourable rate of rent" have the meanings assigned to them by Section 188 and Section 189 respectively of the Uttar Pradesh Tenancy Act, 1939 (XVII of 1939).

3. Suits for possession of land, buildings and gardens.

- In suits for the possession of land, the value of the land for purposes of jurisdiction shall be determined as follows : (a) where the land forms an entire estate or a definite share of an estate paying annual revenue to Government or forms part of such estate and such part is recorded in the Collector's register as separately assessed with such revenue, and such revenue, is permanently settled-Fifty five times the annual revenue so payable; (b) where the land forms an entire estate or a definite share of an estate paying annual revenue to Government or forms part of such estate and such part is recorded in the Collector's register as separately assessed with such revenue, and such revenue is not permanently settled-thirty times the annual revenue so payable; (c) where the land pays no annual revenue or has been partially exempted from such payment, or is charged with a fixed payment in lieu of such revenue, and net profits have arisen from the land during the three years immediately preceding the date of presenting the plaint-(i) fifty-five or thirty times the nominal annual revenue when such revenue has been assessed according as the land is in a permanently or temporarily settled area ; or (ii) where no such nominal revenue has been assessed, twenty times the annual average of such net profits ; but where no such profits have arisen from the lands, twenty times the annual average net profits of similar land for the three years immediately preceding the date of presenting the plaint; (d) where the land forms part of an estate paying annual revenue to Government, but is not a definite share of such estate and does not come under the clause (a), (b) or (c) of this rule -fifty-five or thirty times the annual revenue payable in respect of such a land according as the land is in a permanently or temporarily settled area ; (e) where there are also buildings or a gardens on the land the aggregate of the value of the land as determined in accordance with these rules plus the market value of such buildings or gardens situated thereon.

4. Suits for possession of superior proprietary, under-proprietary and sub-proprietary rights in land.

- The value of the suits for the purposes of jurisdiction in suits for possession-(a) of superior proprietary rights where under-proprietary or sub-proprietary rights exist in the land shall be twenty times the annual net profits of the superior proprietor; (b) of under-proprietary land as such shall be twenty times the annual under-proprietary or sub-proprietary rent, as the case may be, recorded in the Collector's register as payable for the land for the year next before the presentation of the plaint. If no such rent is recorded in the Collector's register, the value shall be determined by multiplying by twenty such rents for similar land for the year next before the presentation of the plaint.

5. Suits between rival tenants and by tenants against trespasser.

- The value of suits for purposes of jurisdiction in suits for possession of land between rival tenants and by tenants against trespassers shall-(a) where the land is the land of a permanent tenure-holder or a fixed rate tenant, be thirty times the annual rent recorded in the Collector's register as payable for the land for the year next before the presentation of the plaint; (b) where the land is the land of an ex-proprietary or occupancy tenant or to a tenant holding on special terms in Oudh, be twelve times

such rent;(c)where the land is the land of a hereditary tenant, be eight times such rent;(d)where the land is the land of any other tenant, be six times such rent.If no such rent is recorded in the Collector's register, the value shall be determined by multiplying the annual average rent of similar land for three years next before the presentation of the plaint, by thirty, twelve, eight and six accordingly as the class of tenancy affected is governed by clause (a), (b), (c) or (d) of this rule.

6. Suits for possession of rent free grants.

(1)The value of suits for the purposes of jurisdiction in suits for possession of a rent-free grant or a grant of land held at favourable rate of rent shall be thirty times, the annual average rent payable by occupancy tenants for similar land for the three years next before the presentation of the plaint.(2)Notwithstanding anything contained in the foregoing rules, the value of land for purposes of jurisdiction shall in no case be less than the value as determined for computation of Court fees.