

# The Rajasthan Suits Valuation Act, 1958

RAJASTHAN

India

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### Act 3 of 1959

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The Rajasthan Suits Valuation Act, 1958(Act No. 3 of 1959)[Received the assent of the President on the 14th day of January, 1959.]An Act to prescribe the mode of valuing certain suits for the purposes of determining the jurisdiction of Courts with respect there: to.Be it enacting by the Rajasthan State Legislature in the Ninth Year of the Republic of India as follows:-

#### 1. Short title, extent and commencement.

(1)This Act may be called the Rajasthan Suits Valuation Act, 1958.(2)It extends to the whole of the State of Rajasthan.(3)It shall come into force at once.

#### 2. Power to make rules determining value of land for jurisdiction purposes.

(1)The State Government may in consultation with the High Court make rules determining the value of land for purposes of jurisdiction in respect of suits mentioned in paragraph v, in paragraph VI and in clause (d) of paragraph x of section 7 of the Court Fees Act, 1870, of the Central Legislature as adapted to the State of Rajasthan.(2)Such 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.

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

- Where a suit mentioned in paragraph IV of section 7 of, or in article 17 of Schedule II to, the Court Fees Act, 1870, of the Central Legislature as adapted to the State of Rajasthan relates to land or an interest in land of which the value has been determined by, or may be determined in accordance with, rules made under section 2, 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 or in accordance with those rules.

#### **4. Court fee value and jurisdiction value to be the same in certain suits.**

- Where, in suits other than those referred to in sub - section (1) of section 2, court fees are payable ad valorem under the Court Fees Act, 1870, of the Central Legislature as adapted to the State of Rajasthan, the value as determinable for the computation of court fees and the value of for purposes of jurisdiction shall be the same.

#### **5. Determination of value of certain suits by High Court.**

- Where the subject matter of suits of any class than suits mentioned in sub - section (1) of section 2, is such that in the opinion of the High Court it does not admit of being satisfactorily valued, the High Court may, with the sanction of the State Government, direct that suits of such class shall, for the purposes of this Act and of the Court Fees Act, 1870, of the Cenbral Legislature as adapted to the State of Rajasthan, and of any other enactment of 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.

#### **6. Procedure where objection as to improper valuation for jurisdictional purposes is taken in appeal or revision.**

(1)Notwithstanding anything contained in section 99 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) an objection that, by reason of the over - valuation or under - valuation of a suit of appeal, a court of first instance or a 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 settled and recorded or in the lower appellate court in the memorandum of appeal to that court, and(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 pre-judicially 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 settles 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 115 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) or under any other enactment for the time being in force.

## 7. Repeal and Savings.

- (1) The Suits Valuation Act, 1887, of the Central Legislature as adapted to the pre-organisation State of Rajasthan and the corresponding laws in force in the Abu, Ajmer and Sunel areas are hereby repealed. (2) All rules and directions made under the said corresponding laws in force in the Abu, Ajmer and Sunel areas are hereby superseded. (3) The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) relating to repeal and savings shall apply to the enactments, rules and directions hereby repealed or superseded as if such enactments, rules and directions had been repealed by a Rajasthan law. (4) Until new rules and directions are made under this Act, the rules and directions made under the Suits Valuation Act, 1887, of the Central Legislature as adapted to the pre-reorganisation State of Rajasthan and in force at the commencement of this Act shall, unless they are inconsistent with or repugnant to the provisions thereof, continue to be in force and shall apply to the whole of the State of Rajasthan as formed by section 10 of the States Re-organisation Act, 1956 (Central Act 37 of 1956). (5) Nothing in this Act shall be construed to affect the jurisdiction of any court - (a) with respect to any suit instituted before the commencement of this Act, or (b) with respect to any appeal arising out of any such unit.