



## THE SUITS VALUATION ACT, 1887



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# THE SUITS VALUATION ACT, 1887

1, 2 and <sup>3</sup>ACT No. VII OF 1887

[11<sup>th</sup> 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.

## 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 <sup>4</sup>[Provincial Government], by notification in the <sup>4</sup>[official Gazette], <sup>5</sup>directs.

**3. Power for Provincial Government to make rules determining value of land for jurisdictional purposes.**—(1) The <sup>4</sup>[Provincial Government] may <sup>4</sup>[\* \* \*] make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in the Court- fees Act, 1870, (VII 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.

## THE PAKISTAN CODE

<sup>1</sup>This Act has been declared to be in force in Baluchistan by the British Baluchistan Laws Regulations No. II of 1913. It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Orders, 1950 (G. G. O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

<sup>2</sup>The Act has been amended in the Punjab by the Suits Valuation (Punjab Amdt.) Act No. I of 1938 and the Suits Valuation (Punjab Amdt.) Act No. 13 of 1942.

<sup>3</sup>The Act as in force in the North-West Frontier Province immediately before the commencement of N.W.F.P. Regulation No. II of 1974, has been applied to the Provincially Administered Tribal Areas of Chitral, Dir Kalam, Swat and Malakand Protected Area, by N.W.F.P. Regulation No. II of 1974, Art. 3.

<sup>4</sup>Subs. and repealed by A. O., 1937.

<sup>5</sup>Part I of the Act has, under s. 2, been declared to extend to the Punjab, and to come into force therein on the 1st day of March, 1889, see Gazette of India, 1889, Pt. I, p. 107.

**14. 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, (VII 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 <sup>2</sup>[Provincial Government] shall, before making rules 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 <sup>2</sup>[official Gazette].

**6.** <sup>3</sup>[Omitted]

## PART II OTHER SUITS

**7. Extent and commencement of Part II.** This Part extends to <sup>4</sup>[the whole of Pakistan], and 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, (VII 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, 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, (VII 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 <sup>2</sup>[Provincial Government], direct that suits of that class shall, of for the purposes of the Court-fees Act, 1870, (VII 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.** <sup>5</sup>[Repealed]

<sup>1</sup>This section has been amended in its application to the Punjab by the Punjab Act No. I of 1938, s. 2.

<sup>2</sup>Subs. by A.O., 1937.

<sup>3</sup>Omitted by A.O. 1949, schedule.

<sup>4</sup>Subs. by Central Law (Statute Reform) Ordinance No. XXI of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

<sup>5</sup>Repealed by the Amending Act No. XII of 1891, S. 2 and Sch. 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 <sup>2</sup>[99 of the Code of Civil Procedure, 1908 (Act V of 1908)], an objection that by reason of the overvaluation 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 <sup>2</sup>[115 of the Code of Civil Procedure, 1908 (Act V of 1908)] or other enactment for the time being in force.

(5) This section extends to <sup>3</sup> [the whole of Pakistan], and 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.

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<sup>1</sup>This section has been amended in the Punjab by Punjab Act No. XIII of 1942, s. 3.

<sup>2</sup>Subs. by Federal Laws (Revision and Declaration) Ordinance No. XXVII of 1981, s. 5, Sch. IV (only to the extent of Islamabad capital territory).

<sup>3</sup>Subs. by the Central Laws (Statute Reform) Ordinance No. XXI of 1960, s.3 and (with effect from the 14th October, 1955).