

THE SUITS VALUATION ACT, 1887

(VII OF 1887)

[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

Preamble. 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:-

COMMENTS

Appeal in Family cases. Irrespective of any amount of decree included in a family suit, appeal is competent before District Judge except in three categories mentioned in S. 12(2)(a), (b) and (c) of W.P. Family Courts Act, 1964. Provisions of Suits Valuation Act, 1887 and W.P. Civil Courts Ordinance, 1962 are not applicable. [2001 CLC 224].

1. Title. This Act may be called the Suits Valuation Act, 1887.

PART I

1[SUITS RELATING TO LAND]

2. Extent and commencement of Part 1. This Part shall extend of such local areas, and come into force therein on such dates as the Provincial Government by notification in the official Gazette, directs.

Amendments. The Suits Valuation Act (VII of 1887), has subsequently been amended by Act XXXVIII of 1920 and, Adaptation of Laws Order, 1937, Ordinance XXI of 1960. This Act has also been amended by Punjab Act I of 1938, and, Punjab Act, 1913 of 1942.

COMMENTS

Area forming part of former Bahawalpur State. Suits Valuation Act, 1887 and the rules framed there under are applicable to area forming part of former Bahawalpur State. [2002 YLR 1952]

Arbitration proceeding. Provisions of this Act are not applicable to Arbitration proceedings. [1984 Law Notes 1071]

Punjab Amendment. Heading "Suits Relating To Land" omitted by Punjab Act XIII of 1942.

s. 3]

Pecuniary jurisdiction. Jurisdiction cannot be conferred by the consent of the parties against the provisions of law. [2001 CLC 1741]. Such action does not divest the Court of such jurisdiction in derogation of the provisions of a statute. [PLD 2001 Lah. 411].

3. Power for Provincial Government to make rules determining value of land for jurisdictional purposes. (i) The Provincial Government may make rules for determining the value of land for purpose of jurisdiction in the suits mentioned in the Court Fees Act, 1870, Section 7, paragraphs (v) and (vi), and paragraph (x), clause (d).

(ii) 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.

COMMENTS

Scope. Section of the Suits Valuation Act, 1887 is analogous to S. 99 of the Code of Civil Procedure. Filing of a suit or proceedings under a wrong provision of law does not effect the maintainability of the suit. [1999 CLC 1320] No decree can be reversed in appeal on account of any mis-joinder of parties are cause of action by decision which is correct on merits and with jurisdiction of Court making it, it would not be upset by Appellate Court merely on ground of technicalities. [1991 CLC 1801].

Valuation of suit. Plaintiff is required to fix Court-fee and jurisdictional value in accordance with provisions of Court Fees Act, 1870 and Suits Valuation Act, 1887. [PLJ 2002 S.C. (AJK) 220]. Where land is assessed to land revenue, jurisdictional value be determined in accordance with the assessment of land revenue. [PLD 2002 AJ&K 1].

Forum of appeal. Forum of appeal is determined according to valuation of suit as fixed in plaint unless modified or corrected by Court. [PLJ 2001 Lah. 87] For ascertaining the forum of appeal in suit under S. 18 of the W.P. Civil Courts Ordinance, 1962, value of the original suit as determined under the rules framed under S. 3 of Suits Valuation Act for purpose of jurisdiction is the determining factor and not the market value. [2001 YLR 1859] Suit Valuation of specified amount and none of the parties raised any objection thereto. Trial, Court cannot presume valuation otherwise in absence of any evidence in support thereof. [1995 MLD 1990]

Appeal before a wrong forum. Appeal filed before a wrong forum (High Court) on account of wrong assessment of value of suit by Court below. However returned to be placed before District Judge. No prejudice caused to the party. [2000 YLR 799].

Recovery of possession of land. Subject-matter possession of land not super structure-valuation. [1999 YLR 1981].

Jurisdiction. Jurisdiction would be the determining factor and not market value or sale price. [1997 CLC 768].

Valuation of. Suit relating to possession of agricultural land yielding profits.
Filed in case. Market value of such land to be irrelevant for purposes of jurisdiction value
of suit. [PLJ 1987 Lah. 504].

Pre-emption suits explicitly excluded from operation of S. 8 and S. 3 is proper
Section for determining pecuniary jurisdiction. [PLJ 1980 SC JK 183].

Suit for possession of land. In cases where land is not permanently settled
valuation would be calculated at fifteen times of the net profits if such net profits has
accrued during proceeding year. In cases not covered by the said two situations, market
value would be the jurisdictional value of the suit as also the appeal. Valuation as given
in plaint however, would determine forum for filing of appeal. Where Trial Court
determines valuation for purposes of jurisdiction, it would be that valuation which would
determine the form of appeal. [1993 MLD 2105].

4. Valuation of relief in certain suits relating to land not to exceed the value of land. Where a suit mentioned in the Court Fees Act, 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 the rules under 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. (i) The Provincial Government shall, before making rules under Section 3, consult the High Court with respect thereto.

(ii) 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. Omitted by A.O., 1949, Schedule.