

APPENDIX I

PUNJAB RULES FOR VALUATION FOR JURISDICTION

INSTRUCTIONS ON THE SUBJECT OF THE SUITS VALUATION ACT, 1887 AND THE RULES MADE THEREUNDER, FOR DETERMINING THE VALUE OF CERTAIN CLASSES OF SUITS FOR PURPOSES OF COURT-FEES AND JURISDICTION.

The attention of all Civil Court is drawn to the following instructions on the subject of the provisions of the Suits Valuation Act, 1887, and the rules and directions made thereunder, contained in this order.

1. It should be remembered that the value of a suit for the purposes of the Court-fees Act, 1870, and its value for the purposes of jurisdiction are not necessarily identical, and are frequently very different: The value for the purposes of Court-fee is determined by the Court-fees Act, 1870 (as amended), and for purposes of jurisdiction by the Suits Valuation Act, 1887, and the rules made thereunder. In certain classes of suits the value for the purposes of Court-fee also can be fixed by rules under Section 9 of the Suits Valuation Act.

2. Part I of the Act was extended to this Province by Government of India Home Department, Notification No. 210, dated the 20th February 1889, and the Local Government has made rules under Section 3 of the Act determining the value of land and of certain interests therein, for purposes of jurisdiction in the suits mentioned in the Court-fees Act, 1870, Section 7 paragraphs v and vi and paragraph x, clause (d). (See Part (c) of this Appendix).

3. No restrictions under Section 3, sub-section (2) of the Act have been imposed as to the classes of land to which the rules apply, or as to the local extent of their operation, and they apply, therefore, to all land generally throughout the Province whether assessed to land revenue or not.

2. See Lahore High Court Rules and Orders, Vol. I.

4. Section 4 of the Suits Valuation Act provides that, where a suit mentioned in the Court-fees Act Section 7, paragraph iv, or Schedule II, Article 17 or 22 relates to land or an interest in land, of which the value has been determined by the rules made under Section 3, the amount at which the relief sought in the suit is valued for purposes of jurisdiction shall not exceed the value of the land or interest as determined by those rules. The suits falling under S. 7, paragraph iv, of the Court-fees Act, are certain suits in regard to which the plaintiff is required to state the amount at which he values the relief sought in the plaint. Where the value so stated exceeds the value of the land or interest therein as fixed by the rules, the latter and not the former must be regarded as the value for purposes of jurisdiction. The suits specified in Schedule II, Article 17 of the Court-fees Act, are those for which it is difficult to fix a correct valuation, and a fixed Court-fee of Rs. 10 is accordingly levied in these cases. Where any such case relates to land or any interest in land, the value for purposes of jurisdiction will be the value of the land or interest as fixed by the rules.

5. The suit falling under the Court-fees Act, Section 7, paragraphs i, ii, iii, vii, viii, x (a), (b), and (c), and xi (a) to (f), inclusive, are either such as are, subject to an *ad valorem* Court-fee, in regard to which the value for the purposes of computing the Court-fee and the value for the purposes of determining jurisdiction are, under Section 8 of the Suits Valuation Act, 1887, the same; or suits dealt with by directions made by the High Court under Section 9 of the Act.

6. Section 8 gives the general rule as stated above, but when the value of a suit for purposes of jurisdiction and Court-fee is determined by rules under Section 9, the value as determined by the rules must be accepted. For example, in a suit for injunction, although the plaintiff is entitled to put his valuation on the relief for purposes of Court-fees, the valuation for the purposes of jurisdiction will not be the same, as according to the rule under Section 9, the value must be some amount between Rs.500 (*see Barru v. Lachman* ('14) AIR 1914 Lah. 214; 1913 Pun. Re. No. 111 (FB)).

7. In order to guard against mistakes as to the value of a suit for purposes of jurisdiction and of Court-fees, respectively, every plaintiff ought upon its ace to show the value for purposes of jurisdiction as well as the value for the purpose of computing Court-fees, the former information is requisite in order that the Court may determine whether the plaint should be returned under Order VII, R. 10 of the Code of Civil Procedure. When a plaint omits to disclose the value of the suit

for the purposes of jurisdiction, the person presenting it should be questioned, and his answer recorded on the plaint, unless he consents to amend it then and there.

8. Special care is necessary with respect to cases falling under the provisions of Section 7, paragraphs iv, and Schedule II, Article 17 of the Court-fees Act, in valuing suits for the purposes of jurisdiction and Court-fees. A schedule showing the value of different classes of suits for purposes of jurisdiction and Court-fee, following the classification of suits in the Court-fees Act, has been prepared and attached to this Appendix. It must be clearly understood, however, that this schedule in itself has no legal force, and that it is merely intended for ready reference by the Courts in dealing with questions of value. An examination of the schedule will show that it is in only a few cases in which it is not possible to value the suit for purposes of jurisdiction, either by the actual value of the subject-matter, or by reference to the provisions of sections 4 and 8 of the Suits Valuation Act, and the rules under Section 3, and directions under Section 9 of the Act.

9. There is no express provision in the Suits Valuation Act, 1887, in regard to the classes of suits mentioned below, and they do not admit of being disposed of by rules under Part I, nor are they dealt with by directions under Part II of the Act. The valuation of such suits therefore, must be left to judicial decision, as occasion arises. The suits are,--

suits for house;

suits for pre-emption in respect of houses;

suits for removal of attachment of house;

suits by or against mortgagors or mortgagees as such;

suits falling under Schedule II, Article 17, clause (iv), which are not provided for by the rules under Section 3 or directions under Section 9, or by Section 4 of the Suits Valuation Act;

suits falling under Section 7, sub-section (x), clause (d) of the Court-fees Act, and relating to property other than land.

10. In the case of some classes of suits or petitions, e.g., suits under Section 28 of the Sikh Gurdawaras Act, 1925, or petitions under Guardians and Wards Act, 1890, the law allows no choice as regards the Court in which proceedings must be taken. There is, therefore, no

necessity in such cases to fix any valuation for the purpose of determining jurisdiction.

VALUE OF THE SUBJECT-MATTER OF SUITS FOR THE