

THE SUITS VALUATION ACT, 1887.

(Act No. VII of 1887).

CONTENTS

SECTIONS.

1. Title.
2. Extent and commencement of Part I.
3. Power for Provincial Government to make rules determining value of land for jurisdictional purposes.
4. Valuation of relief in certain suits relating to land not to exceed the value of the land.
5. Making and enforcement of rules.
6. Repealed.
7. Extent and commencement of Part II.
8. Court-fee value and jurisdictional value to be the same in certain suits.
9. Determination of value of certain suits by High Court.
10. Repealed.
11. Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes.
12. Proceeding pending at commencement of Part I or Part II.

THE SUITS VALUATION

¹[ACT, 1887 IACT No. 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,

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

Title

PART- 1

SUITS RELATING TO LAND

2. This part shall extend to such local areas, and come into force therein on such dates, as the ²[Provincial Government], by notification in the ³[official Gazette], directs. ⁴[* * *]

Extent and commencement of Part I.

3. (1) The ¹[Provincial Government] may ²[* * *] make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in

Power of Provincial Government to

¹. For Statement of Objects and Reasons, *See* Gazette of India, 1886, Pt. V. P. 791; for Report of the Select Committee, *see ibid* SST, Pt. IV, p. 18 ; and for Proceedings in Council, *see ibid* 1886, Supplement, pp. 1131 and 1155, and *ibid.*, 1887 Pt. V, I PP. 16 and 21.

This Act has been declared to be in force in Baluchistan by the British Baluchistan Laws Regulation, 1913 (2 of 1913). It has also been extended to the Leased Areas of Baluchistan, *see* the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950) ; and applied in the Federated Areas of Baluchistan, *see* Gazette of India, 1937 , Pt. 1, P. 1499.

The Act has been amended in the Punjab by the Suits Valuation (Punjab Amdt.) Act, 1938 (I of 1938) and the Suits Valuation (Punjab Amdt.) Act, 1942 (13 of 1942).

². Subs, by A.O. 1937, for "G.G. in C."

³. Subs, *ibid.*, for "Gazette of India".

⁴. 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.

the Court-fees Act, 1870, section 7, paragraphs v and vi, and paragraph x, clause (d).

make rules determining value of land for jurisdictional purposes.

(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.

[Part-L Suits relating to Land . Pal-11—Other Suits]

³[4]. 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 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.

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

5. (1) The ⁴[Provincial Government] shall before making rules under section 3, consult the High Court with respect thereto.

Making and enforcement of rules.

(2) A rule under that section shall not take effect till the expiration of one month after the rule has been published in the ⁵[official Gazette].

6. *[Repeal of section 14 of the Madras Civil Courts Act, 1873]. Omitted by A.O. 1949, Schedule.*

1. Subs, by A.O., 1937, for "L.G."

2. The words "[subject to the control] of the G.G. in C. " rep. by A.O., 1937. The words in brackets were subs, by the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I, for "with the previous sanction".

3. This section has been amended in its application to the Punjab by the Punjab Act I of 1938

4. Subs, by A.O., 1937, for "L.G."

5. Subs, *ibid*, for "local official Gazette".

PART-II
OTHER SUITS

7. This Part extends to ¹[the whole of Pakistan], and shall come in to force on the first day of July, 1887. Extent and commencement of Part II.

8. Where in suits other than those referred to in the Court-fees Act, 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. Court-fee value and jurisdictional value to be the same in certain suits.

9. When the subject-matter of suits of any class, other than suits mentioned in the Court-fees Act, 1870, section 7, paragraphs v and vi, and paragraph X, clause (a'), is such that in the opinion of the High Court it does not admit of being satisfactorily valued, the Determination of value of certain suits by High Court.

High Court may, with the previous sanction of the ²[Provincial Government], direct that suits of that class shall, for the purposes of the Court-fees Act, 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.

¹. Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960) s 3 and 2nd Sch (with effect from the 14th October, 1955), for "all the Provinces and the Capital of the Federation" which has been subs, by A.O.1949, Arts. 3 (2) and 4, for "the whole of British India".

². Subs, by A.O. 1937,for "L.G."

10. ¹[Repeal of S. 32, Punjab Courts act, 1884 (XVIII 0/1884).] Rep. by the Amending Act, 1891 (A7/0/1891). s. 2 and Sch.I.

PART-HI
SUPPLEMENTAL PROVISIONS

²[1—(i) Notwithstanding anything in section 578 of the ³[Code of Civil Procedure], an objection that by reason of the over-valuation or under-valuation of a suit or appeal a Court of first instance or lower appellate Court which has not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be set aside by an appellate Court unless—

Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes.

(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) 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.

¹. For rules as to valuation of certain classes of suits under this section see different local R. and O.

². This section has been amended in the Punjab by Punjab Act 13 of 1942, s.3.

³. See now s. 99 of the Code of Civil Procedure, 1908 (Act 5 of 1908).

Par-III

(SUPPLEMENTAL PROVISIONS)

(3) If the objection was taken in the 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 it 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 ¹[Section 622] of the Code of Civil Procedure or other enactment for the time being in force.

(5) This section extends to ²[the whole of Pakistan], and shall come into force on the first day of July, 1955.

12. Nothing in Part I or Part II shall be construed to affect the jurisdiction of any Court—

Proceedings pending at commencement of part I or part II.

(a) with respect to any suit instituted before rules under Part I applicable to the valuation of the suit take effect, Part II has come into force, as the case may be, or

(b) with respect to any appeal arising out of any such suit.

¹. Sec now s. 115 the Code of Civil Procedure, 1908, (Act 5 of 1908).

². Sub by the Central Laws (Status Reform) Ordinance 1960 (21 of 1960) 2nd Sch (with effect from the 14th October, 1955), for "all the Province And the Capital the Federation," which had been subs. 1 y A.O. 1949, Arts: 3 (2) and 4,

