

(1886) 12 AHC CK 0008
In the Allahabad High Court

Durga Prasad

APPELLANT

Vs

Rachla Kuar and Others

RESPONDENT

Date of Decision : 06-12-1886

Acts Referred:

Citation : (1887) ILR (All) 140

Hon'ble Judges : Oldfield, J; Brodhurst, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Oldfield, J.—This is an application for revision of an order of the Court below, passed u/s 57 of the Civil Procedure Code, returning a plaint because the value of the subject-matter appeared to be beyond the Munsif's jurisdiction.

2. The claim of the plaintiff was to have certain property declared liable to sale in execution of his decree for Rs. 1,505-7-9, the value of such property not exceeding Rs. 400, and the question for decision was whether the suit, for jurisdiction purposes, should be valued at the latter or the former amount. I am of opinion that the value of the property which the decree-holder seeks to have sold, determines the jurisdiction in this suit, and it is immaterial whether the amount of the decree is higher than the limit of the Munsif's jurisdiction.

3. The case referred to by the lower Court, Gulzari Lal v. Jadaun Rai I. L. R. All. 799 is clearly distinguishable from this; for in that case the value of the property in suit was higher than the amount of the decree, and the valuation was rightly limited to the amount of the decree, that being, all that was recoverable in the event of the plaintiff being successful.

4. I would set aside both the decretal orders of the lower Courts, and direct that the plaint be accepted as regards the value of the subject-matter of the suit, and that it be dealt with according to law. The costs of the plaintiff-appellant in all three Courts will follow the result.

Brodhurst, J.

5. I am of the same opinion, and concur in the proposed order.