

(1894) 03 MAD CK 0011
In the Madras High Court

In Re: Reference under Court Fees Act, Section 5

Date of Decision : 12-03-1894

Acts Referred:

Citation : (1894) 4 MLJ 110

Judgement

1. The suit is for partition and exclusive possession of specific moieties of property which is at present in joint possession of the parties. It is clearly not a suit for mere declaration; and the value of the property is easily ascertainable.

2. The suit is similar to one for partition of joint family property which is chargeable with an ad valorem fee.

3. We are unable to follow the decision in *Kirty Churn Hitter v. Aunath Nath Deb* I. L. R 8 C 757 and *Mohendro Chandra Ganguli v. Ashutosh*

Ganguli I. L. R 20 C 762

4. We hold that an ad, valorem fee is payable.