

(1950) 01 PAT CK 0008
In the Patna High Court
Case No : First Appeal No. 33 of 1949

Kamakshya Narain Singh

APPELLANT

Vs

The Province of Bihar

RESPONDENT

Date of Decision : 09-01-1950

Acts Referred:

Suits Valuation Act, 1887 — Section 8

Citation : AIR 1950 Patna 316

Hon'ble Judges : Reuben, J;Jamuar, J

Bench : Division Bench

Advocate : Shambhu Prasad Singh, for the Appellant; Govt. Advocate, for the Respondent

Judgement

1. The question which arises in this case is as to the correct court-fee payable on the plaint. The plaintiff appellant sued for a declaration that the Private Forests Act, 1946 (Bihar Act, in [3] of 1946) is ultra vires and for an injunction restraining the Provincial Government from taking over the management of the forests of his estate under the said Act. In his plaint he valued the prayer for perpetual injunction at Rs. 5,100 and paid court fee thereon. He also paid a court-fee of Rs. 18-12-0 for the declaration sought, and added the sentence: "The value of the suit for the purpose of jurisdiction is laid at Rs. 1,00000 (Rupees one lakh) which is within the pecuniary jurisdiction of this Court." It is contended by the Stamp Reporter that under the provisions of Section 8, Suits Valuation Act, the valuation of the suit for purposes of jurisdiction and for court-fee should be the same, and that; therefore, the ad valorem court fee should be charged on the higher valuation which the plaintiff himself has put upon the suit.

2. It appears to us that this case is on all fours with the case of Govinda Krishna Sathe Vs. Hanmaya Lingaya Fulmali, in which their Lordships of the Bombay High Court accepted the lower valuation which was mentioned in the plaint, pointing out that u/s 7, Clause (iv), Court-fees Act, the plaintiff was entitled to value the relief sought by him and a further statement as to the value for the purposes of

jurisdiction was unnecessary. Our attention has been drawn to Manni Lal Vs. Radhey Gopalji and Another , in which Piggott J. in a similar case held that a court-fee should be charged on the sum total of the two valuations mentioned by the plaintiff. That was a case in which his Lordship was of the opinion that the value put upon the injunction sought was a nominal one. We are not prepared in the present case to say this of the valuation put by the plaintiff on his prayer for an injunction. The decision in substance is to our mind in support of the plaintiff in the present case. His Lordship pointed out that under the provisions of Section 7, Court fees Act, read with Section 8, Suits Valuation Act, the valuation for purposes of the court fees is to be determined first and that for purposes of jurisdiction must follow the valuation thus determined. Section 7(iv)(c) requires the plaintiff to state the amount at which he values the relief sought. This has been done in the present case, the valuation put on the relief being Rs. 5,100. Section 8, Suits Valuation Act, provides that the value as determinate for the computation of court fees and the value for purposes of jurisdiction shall be the same. It follows, there fore, that Rs. 5,100 is the correct valuation of the suit for purposes of jurisdiction. The statement in the plaint that the value of the suit for purposes of jurisdiction is laid at RS. 1,00,000 was, therefore, uncalled for. Apparently this valuation was for the declaration sought. It gives the valuation of the property and was unnecessary and should be ignored. Let the court-fees paid on the plaint be accepted as sufficient.