

(2014) 03 KL CK 0066
In the High Court Of Kerala
Case No : O.P. (C) No. 646 of 2014 (O)

R. Anil Kumar

APPELLANT

Vs

Sree Sudheendra Medical Mission and K. Ramachandra Naik

RESPONDENT

Date of Decision : 04-03-2014

Acts Referred:

Kerala Court Fees and Suits Valuation Act, 1959 — Section 7(3)

Citation : (2014) 03 KL CK 0066

Hon'ble Judges : V. Chitambaresh, J

Bench : Single Bench

Advocate : G. Sreekumar Chelur, for the Appellant;

Final Decision : Dismissed

Judgement

V. Chitambaresh, J.—The court below has after all appointed an Advocate Commissioner in the enquiry being conducted as regards the sufficiency of the court fee paid. I am sure that the court below will conduct a hearing afresh after the report of the Commissioner is obtained as regards the sufficiency of the court fee. I make it clear that the petitioner is at liberty to produce the current register of the local authority to show the rental value of the building as on the date of institution of the suit. The parties are also free to move the local authority - Corporation of Cochin - to have the rental value assessed and entered in the registers for the purpose of court fee. The assessment need relate to the building only u/s 7(3) of the Kerala Court Fees and Suits Valuation Act, 1959, if the property contains substantial buildings only. There is however no error of jurisdiction in the order impugned calling for a report from the Advocate Commissioner as regards the market value of the building in the enquiry O.P. (C) No. 646 of 2014 being conducted.

The Original Petition is dismissed subject to the above clarification.