

(Passed under Council Order No. 168/56 dated 17-5-1956)

Rules made by the High Court under the powers conferred by section 9 of the Suits Valuation Act and all other powers on that behalf for determining the value of the subject matter of certain classes of suits for the purposes of jurisdiction.

1. Restitution of conjugal rights:- (i) Suits in which the plaintiff in the plaint asks for a decree against the other party to the alleged marriage, either alone, or with other defendant for restitution of conjugal rights ;

(ii) Similar suits for a decree establishing or annulling or dissolving a marriage ;

(iii) Suits in which the plaintiff in the plaint asks for a decree establishing a right to the custody or guardian-ship of a minor, including guardianship for the purposes of marriage ;

(iv) Suits in which the plaintiff in the plaint asks for a decree establishing or annulling an adoption, including under the expression 'adoption' the customary appointment of a heir:-

(a) For the purposes of the Court Fees Act, suits of classes (i) with exception noted below, (ii), (iii) and (iv) Rs. 200/-;

(b) For the purposes of Suits Valuation Act and the Courts Act, suits of classes (i) and (ii) Rs. 1000/-, suits of classes (iii) and (iv) - such sum exceeding to Rs. 500/- and not exceeding Rs. 1000/-, as the plaintiff shall state in the plaint.

Explanation:- Classes (i) and (ii) do not include petitions under any special Act relating to the dissolution of marriage.

2. Suits to set aside alienation:- Suits by a plaintiff, during the life time of a person alleged to have a restricted power of alienation in respect of immovable property in which the plaintiff in the plaint seeks to have an alienation of immovable property made by such person declared to be void, except for the life of such person or for some other determinate period :-

## Value

(a) for the purposes of the Court Fees Act ; as determined by that Act ;

(b) for the purposes of the Suits Valuation Act, and Courts Act;-

(i) When the alienation is by a written instrument which declares the value of the interest purporting to be created or the amount of the consideration for which the alienation is made such value or amount ;

(ii) in other cases the market value, at the date of institution of the suit, of the property alienated.

Subject in either case of the provisions of part I of the Suits Valuation Act, and of the Rules in force under the said part, so far as those provisions are applicable.

Suits for accounts:- Suits in which the Plaintiff in the plaint asks for account only, not being suits to recover the amount which may be found due to the Plaintiff on taking unsettled accounts between him and the defendant or defendants, or suits of either of the kinds described in order Rule 13, of the Code of Civil Procedure

Value—— (a) For the purposes of the Court Fees Act: as determined by that Act ;

(b) For the purposes of the Suits Valuation Act, and the Courts Act, such amount exceeding Rs. 100/- and not exceeding Rs. 500/- as the plaintiff may state in the plaint.

Suits to establish or negative certain rights:- Suits in which the plaintiff in the plaint seeks to establish or to negative any right hereinafter mentioned, with or without an injunction, and with or without damages, namely, a right of way; a right to open or maintain or close a door or a window, or a drain, or a water-spout (Pernalla); a right to or in a water-course or to the use of water; a right to build or raise or alter or demolish a wall or to use on alleged party wall or. joint staircase.

Value—— (a) For the purposes. of the Court-Fees Act, as determined by that Act ;

(b) For the purposes of the Suits Valuation Act, and the Courts Act :

(i) If damages are not claimed such amount exceeding Rs. 500/- as the plaintiff may state in his plaint ;

(ii) If damages are claimed, the amount of such damages increased by Rs. 100/-.

Suits relating to arbitration:- Suits in which the plaintiff in the plaint seeks to set aside an award and applications registered as suits under the provisions of section 20 of the Arbitration Act (to file an agreement to refer to arbitration) or of section 14 of the said Act (to file an award), when or so far as the award or the agreement relates to property —

Value.... (a) For the purposes of the Court Fees Act as determined by that Act ;

(b) For the purposes of the Suits Valuation Act and Courts Act the market value of the property in dispute, subject to the provisions of part I of the Suits Valuation Act, and the Rules in force under the said Part, so far as those provisions are applicable.

Suits for mere declaration:- Suits in which the plaintiff in the plaint asks for a mere declaration without any consequential relief in respect of property other than land assessed to Land Revenue:-

Value—— (a) For purposes of the Court Fees Act, as determined by that Act ;

(b) For the purposes of the Suits Valuation Act, the market value of the property at the date of institution of the suit.

The forgoing rules are, subject to the following explanations:

(i) the term 'plaint' includes and amended as well as an original plaint ;

(ii) a suit falling within any of the above descriptions is not excluded therefrom merely by reason of the plaintiff seeking other relief in addition to that described in any of the forgoing rules.