

THE SUITS VALUATION ACT, 1887.

(Act No. VII of 1887).

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THE SUITS VALUATION

[TACT, 1887 IACT No. VII OF 1887]

[11th February, 1887]

An Act to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto,

WHEREAS it is expedient to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto; It is hereby enacted as follows:-

1. This Act may be called the Suits Valuation Act, 1887.

PART- 1

SUITS KKLATING TO LAND

2. This part shall extend to such local areas, and come into force therein on such dates, as the [Provincial Government], by notification in the [official

Gazette], directs. 4 * *)

3. (1) The [Provincial Government] may [* * *] make rules for

determining the value of land for purposes of jurisdiction in the suits mentioned in

1 For Statement of Objects and Reasons, See Gazette of India, 1886, Pt. V. P. 791; for Report of the Select Committee, see ibidISST, Pt. 1V,p. 18 ; and for Proceedings in Council, see ihid1886, Supplement, pp. 1131 and 1155, and ibid., 1887 Pi. V, 1 PP. 16 and 21.

This Act has been declared to be inforce in Baluchistan by the British Baluchistan Laws Regulation, 1913 (2 of 1913). It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950) ; and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937 , Pt. 1, P. 1499.

The Act has been amended in the Punjab by the Suits Valuation (Punjab Amdt.) Act, 1938 (I of 1938) and the

Suits Valuation(PunjabAmdt.)Act,1942(130f1942).

2, Subs, by A.O.1937,for "G.G. in C."

3, Subs, ibid., for "Gazette of India".

4 Part I of the Act has, under s. 2, been declared to extend to the Punjab, and to come into force therein on the 1st day of March, 1889, see Gazette of India, 1889, Pt. I, p. 107.

Title

Extent and
commencement
of Part I.

Power of
Provincial
Government to

the Court-fees Act, 1870, section 7, paragraphs v and vi, and paragraph x, clause (d).

(2) The rules may determine the value of any class of land, or of any interest in land, in the whole or any part of a local area and may prescribe different values for different places within the same local area.

[Part-L Suits relating to Land . Pal-11—Other Suits]

3[4]. Where a suit mentioned in the Court-fees Act, 1870, section 7, paragraph iv, or Schedule II, article 17, relates to land or an interest in land of which the value has been determined by rules under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed

the value of the land or interest as determined by those rules.

5. (1) The "[Provincial Government] shall before making rules under section 3, consult die High Court with respect thereto.

(2) A rule under that section shall not take effect till the expiration of one

month after the rule has been published in the *[official Gazette].

6. [Repeal of section 14 of the Madras Civil Courts Act, 1873]. Omitted by A.O. 1949, Schedule.

make rules
determining
value of land for
jurisdictional
purposes.

Valuation of relief
in certain sun
suits relating to
land not to exceed
the value of the
land.

Making and
enforcement of
rules.

1 Subs, by A.O..1937,for "L.G.".

2, The words "[subject to the control] of the G.G. inC. " rep. by A.O., 1937. The words in brackets were subs, by the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I, for "with the previous sanction".

3, This section has been amended in its application to the Punjab by the Punjab Act I of 1938
a Subs, by A.O., 1937, for "L.G.".

5, Subs, ibid, for local official Gazette".

PART-II

OTHER SUITS

7. This Part extends to '[the whole of Pakistan], and shall come in to force on

the first day of July, 1887.

8. Where in suits other than those referred to in the Court-fees Act, 1870 section 7, paragraphs V, vi and ix, and paragraph x, clause (d), court-fees are payable ad valorem under the Court-fees Act, 1870, the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the

same.

9. When the subject-matter of suits of any class, other than suits mentioned in the Court-fees Act, 1870, section 7, paragraphs v and vi, and paragraph X, clause (a'), is such that in the opinion of the High Court it does not admit of being

satisfactorily valued, the

High Court may, with the previous sanction of the 7[Provincial Government], direct that suits of that class shall, for the purposes of the Court-fees Act, 1870, and of this Act and any other enactment for the time being in force, be treated as if their subject-matter were of such value as the High Court thinks fit to

specify in this behalf.

Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960) s 3 and 2nd Sch (with effect from the 14th October, 1955), for "all the Provinces and the Capital of the Federation" which has been subs, by A.O.1949, Arts. 3 (2) and 4, for "the whole of British India".

2, Subs, by A.O. 1937,for "L.G."

Extent and
commencement of
Part II.

Court-fee value
and jurisdictional
value to be the
same in certain
suits.

Determination of
value of certain
suits by High
Court.

10. 'Repeal of S.32, Punjab Courts act, 1884 (XVII 0/1884).] Rep. by the Amending Act, 1891 (A7/0/1891). s. 2 and Schl.

PART-HI

SUPPLEMENTAL PROVISIONS

*T1—(i) Notwithstanding anything in section 578 of the [Code of Civil Procedure], an objection that by reason of the over-valuation or under-valuation of a suit or appeal a Court of first instance or lower appellate Court which has not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect

thereto shall not be sustained by an appellate Court unless—

(a) the objection was taken in the Court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower

appellate Court in the manner of appeal to that Court, or

(b) the appellate Court is satisfied, for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued and that the over-valuation or under-valuation thereof has prejudicially affected the

disposal of the suit or appeal on its merits.

(2) if the objection was taken in the manner mentioned in clause (a) sub-section (1), but the appellate Court is not satisfied as to both the matters mentioned in clause (b) of that sub-section and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the Court of first instance or

lower appellate Court.

1 For rules as to valuation of certain classes of suits under this section see different local R. and Oo.

2. This section has been amended in the Punjab by Punjab Act 13 of 1942, s.3.

3. See now s. 99 of the Code of Civil Procedure, 1908 (Act 5 of 1908).

Procedure where
objection is taken
on appeal or
revision that a suit
or appeal was not
properly valued
for jurisdictional
purposes.

(SUPPLEMENTAL PROVISIONS)

(3) If the objection was taken in the manner and the appellate Court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the Court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct it « order to a Court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an appellate Court shall, so far as they can be made applicable, apply to a Court exercising revisional jurisdiction under [Section 622] of the Code of Civil Procedure or other enactment for the time being in force.

(5) This section extends to *[the whole of Pakistan], and shall come into force on the first day of July, 1887.

12. Nothing in Part I or Part [1 shall be construed to affect the jurisdiction of any Court—

(a) with respect to any suit instituted before rules under Part I applicable to the valuation of the suit take effect, 01 Part 11 has come into force, as the case may be, or

(b) with respect to any appeal arising out of any such suit.

1, Sec now s. 115 the Code of Civil Procedure, 1908, (Act 5 of 1908).

2, Sub by the Central Laws (Status Reform) Ordinance 1960 (21 of 1960) 2nd Sch (with effect from the 14th October, 1955), for "all the Province And the Capital the Federation,", which had been subs. 1 y A.O. 1949, Arts: 3 (2)

and 4,

Proceedings
pending at
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