**SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com**

**Viraj Constructions Vs. P. Pandu**

**Viraj Constructions Vs. P. Pandu**

**SooperKanoon Citation** : sooperkanoon.com/443424

**Court** : Andhra Pradesh

**Decided On :** Oct-14-1998

**Reported in** : 1998(6)ALD563; 1998(6)ALT262

**Judge** : C.V.N. Sastri, J.

**Acts** : Andhra Pradesh Courts Fees and Suits Valuation Act, 1956 - Sections 11(1) and 26

**Appeal No.** : CRP No. 3840 of 1998

**Appellant** : Viraj Constructions

**Respondent** : P. Pandu

**Advocate for Def.** : Government Pleader for Arbitration

**Advocate for Pet/Ap.** : Mr. V. Rajagopal Reddy, Adv.

**Judgement** :
ORDER

1. Heard the learned Counsel for the petitioner and the learned Government Pleader for Arbitration.

2. This revision is directed against the order passed by the lower Court returning the plaint for presentation to the proper Court.

3. The suit is filed for a permanent injunction in respect of Ac.3-27 guntas of land situated in Begumpet, Hyderabad. The plaintiff valued the relief claimed under Section 26(c) of the Andhra Pradcsh Court Fees and Suits Valuation Act, 1956 (for short 'the Act'), at Rs.10,000/- and paid Court-fees thereon. The lower Court was of the opinion that the relief has to be valued at more than Rs.1 lakh and so, it returned the plaint for presentation to the proper Court.

4. Under Section 26(c) of the Act, the fees shall be computed on the amount at which the relief sought is valued in the plaint or at which such relief is valued by the Court, whichever is higher. Undoubtedly, the Court has power to revise the valuation made by the plaintiff and value the relief as it thinks fit and proper. Section 11(1)(a) of the Act provides that in every suit, the Court shall, before ordering the plaint to be registered, decide on the allegations contained in the plaint and on the materials furnished by the plaintiff, the proper fee payable thereon.Section 11(1)(b) of the Act provides that the decision of the Court regarding the proper fee payable, shall be subject to review from time to time as occasion requires. It is the settled position that the relief of injunction under Section 26(c) of the Act has to be valued on the basis of the advantage sought to be derived or the loss to be averted by the plaintiff. Sec: Jabbar v. State of A.P., 1969 (1) An.WR 411, and A.P.S. Elec. Board v. K.R. Reddy, : AIR 1977 AP200 . In K. Ramamurthy v. E.O., Panchayat Raj, : 1996(1)ALT924 , it is held that in a suit for injunction, the value of the suit for the purpose of jurisdiction and Court-fee are one and the same and that in a suit for mere injunction, the proper method for valuing the suit for the purpose of jurisdiction is to value the suit for the purpose of Court fee first and to treat that value for the purpose of jurisdiction but not vice versa. It is further held that in a suit for injunction the notional value given by the plaintiff at his option for the relief sought is the criterion, which is subject to revision by the Court.

5. I am satisfied that in the light of the principles enunciated above, the impugned order passed by the lower Court is unsustainable. It must be remembered that in a suit for mere injunction the market value of the suit land as such is not the criterion for valuing the relief, as the relief has to be valued on the basis of the advantage which is sought to be derived or the loss which is sought to be averted. That apart,

the lower Court has not arrived at any particular amount at which the relief has to be valued. It merely observed that the Court valued the relief at more than rupees one lakh and so returned the plaint. It is not indicated on what basis the lower Court came to that conclusion. This, in my view, does not amount to a proper valuation of the relief. The impugned order is, therefore, set aside and the matter is remitted back to the lower Court for properly valuing the relief in accordance with law. The CRP is allowed. No costs.

**SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com**