

Chelasani Ramiah Vs. Chelasani Ramasami

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Court : Chennai

Decided On : Nov-15-1912

Reported in : (1913)24MLJ233

Appellant : Chelasani Ramiah

Respondent : Chelasani Ramasami

Judgement :

ORDER

1. In this suit which is one for partition, the plaintiff valued the relief sought by him at Rs. 150. The valuation to be adopted by the plaintiff was the same both for purposes of court-fees and jurisdiction according to S. 8 of the Suits Valuation Act. It is contended by Mr. Prakasam for the petitioner-defendant that the plaintiff's valuation was an arbitrary one far out of proportion to the real value of the relief sought by him. He contends that the court has power to reject the plaintiff's valuation if it found that it was not a bona fide estimate made by the plaintiff. His argument is supported by the latest decisions of the Calcutta, Bombay and Allahabad High Courts. See Krishna Das Lala v. Hari Churn Banerjee 15 C.W.N. 823, Dayaram v. Gorhandas I.L.R. (1909) B. 73 Zair Husain Khan v. Khurshed Jan I.L.R. (1906) All 545. It is not, however, in accordance with the decisions of this Court in Guruva jamma v. Venkata Krishnama Ghetti I.L.R.(1900) M. 39 and Chinnammal v. Madarsa Rowther I.L..R. (1903) M. 480. As the opinions of all the other High Courts are in conflict with the view adopted by this Court and as the question is one of frequent occurrence, we consider it desirable that there should

be an authoritative pronouncement on the question by a Full Bench of this Court. We therefore refer to a Full Bench the question whether a. valuation made by a plaintiff of the relief sought by him in a suit for partition of properties which he claims to be in joint possession of along with his co-parceners may be rejected by the Court if it is proved not to be a bona fide but an arbitrary valuation.

2. This petition came on for hearing before the Full Bench constituted as above.

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