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THE SUITS VALUATION ACT, 1887

(VII of 1887)

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TEXT

**¹THE SUITS VALUATION ACT, 1887
(VII of 1887)**

[12th 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. Title.— This Act may be called the Suits Valuation Act, 1887.

PART I

²[SUITS RELATING TO LAND * * * * *]

2. Extent and commencement of Part I.— This Part shall extend to such local areas, and come into force therein on such dates, as the ³[Provincial Government], by notification in the ⁴[Official Gazette], directs⁵.

3. Power for ⁶[Provincial Government] to make rules determining value of land for jurisdictional purposes.— (1) The ⁷[Provincial Government] may, ⁸[* * * * *], make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in the Court-fees Act, 1870⁹, section 7, paragraphs v and vi, and paragraph x, clause (d).

¹This Act received the assent of His Excellency the Governor General on 11 February, 1887; and was published in the Gazette of India, Extraordinary, dated 12 February, 1887, pages 17-18. Statement of objects and reasons, see Gazette of India, 1886, Pt. V, p. 791; for Report of the Select Committee, see *ibid.*, 1887, Pt. IV, p. 18; and for Proceedings in Council, see *ibid.*, 1886, Supplement, pp. 1131 and 1155, and *ibid.*, 1887, Pt. VI, pp. 16 and 21. This Act has been declared to be in force in Baluchistan by the British Baluchistan Laws Regulation, 1913 (II 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 applies in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

²Omitted by the Suits Valuation (Punjab Amendment) Act, 1942 (XIII of 1942) s.3; and published in the Punjab Gazette (Extraordinary), dated 4.12.1942.

³Substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and Schedule I; and published in the Gazette of India (Extraordinary), pages 75-344.

⁴Substituted for the words "Gazette of India" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations; and published in the Gazette of India (Extraordinary), pages 75-344.

⁵Part 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.

⁶Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations; and published in the Gazette of India (Extraordinary), pages 75-344.

⁷Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations; and published in the Gazette of India (Extraordinary), pages 75-344.

⁸Omitted the words "subject to the control of the Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 3 and Schedule I; and published in the Gazette of India (Extraordinary), pages 75-344.

⁹VII of 1870.

(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.

4. Valuation of relief in certain suits relating to land not to exceed the value of the land.— Where a suit mentioned in the Court-fees Act, 1870¹⁰, section 7, paragraph iv, or Schedule II, article 17, ¹¹[or 22] 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 is valued shall not exceed the value of the land or interest as determined by those rules.

5. Making and enforcement of rules.— (1) The ¹²[Provincial Government] shall, before making rules under section 3, consult the 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 ¹³[Official Gazette].

¹⁴[6. *Repeal of section 14 of the Madras Civil Courts Act, 1873.*— * * *]

PART II

¹⁵[OTHER SUITS* * * * *]

7. Extent and commencement of Part II.— This Part extends to ¹⁶[the whole of Pakistan], and shall come into force on the first day of July, 1887.

8. Court-fee value and jurisdictional value to be the same in certain suits.— Where in suits other than those referred to in the Court-fees Act, 1870¹⁷, section 7, paragraphs v, vi and ix, and paragraph x, clause (d), court-fees are payable *ad valorem* under the Court-fees Act, 1870¹⁸, the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the same.

9. Determination of value of certain suits by High Court.— When the subject-matter of suits of any class, other than suits mentioned in the Court-fees Act, 1870¹⁹,

¹⁰VII of 1870.

¹¹Inserted by Punjab the Suits Valuation (Punjab Amendment) Act, 1938 (I of 1938). s.3; and published in the Punjab Gazette (Extraordinary), dated 28.5.1938.

¹²Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations; and published in the Gazette of India (Extraordinary), pages 75-344.

¹³Substituted for the words "local official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations; and published in the Gazette of India (Extraordinary), pages 75-344.

¹⁴Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. No. 4 of 1949), w.e.f. 28.3.1949, Article 3 and Schedule; and published in the Gazette of Pakistan (Extraordinary), pages 223-283.

¹⁵Omitted by the Suits Valuation (Punjab Amendment) Act, 1942 (XIII of 1942) s.3; and published in the Punjab Gazette (Extraordinary), dated 4.12.1942.

¹⁶Substituted for the words "all the Provinces and the Capital of the Federation" by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), w.e.f. 14.10.1955, s.3 and the 2nd Schedule; and published in the Gazette of Pakistan (Extraordinary), dated 9.6.1960, pages 725-845, which had been substituted for the words "the whole of British India" by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. 4 of 1949), Articles 3(2) and 4; and published in the Gazette of Pakistan (Extraordinary), pages 223-283.

¹⁷VII of 1870.

¹⁸VII of 1870.

¹⁹VII of 1870.

section 7, paragraphs v and vi, and paragraph x, clause (d), 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 ²⁰[Provincial Government], direct that suits of that class shall, for the purposes of the Court-fees Act, 1870²¹, 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.

²²[10. *Repeal.*— * * * * *]

PART III

²³[*SUPPLEMENTAL PROVISIONS** * * * *]

11. Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes.— (1) Notwithstanding anything in section 578 of the Code of Civil Procedure²⁴, 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 had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained 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 memorandum 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.

²⁵[Provided that in suit for accounts the value for purposes of jurisdiction as determined by the court at any stage of the trial shall be final and conclusive and shall not be liable to be contested in appeal or revision.]

(2) If the objection was taken in the manner mentioned in clause (a) of 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.

(3) If the objection was taken in that 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

²⁰Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, w.e.f. 1.4.1937, Article 4 and Table of General Adaptations; and published in the Gazette of India (Extraordinary), pages 75-344.

²¹VII of 1870.

²²Repealed by the Repealing and Amending Act, 1891 (XII of 1891), w.e.f. 9.4.1891, s.2 and the first Schedule; and published in the Government Gazette, Punjab and its Dependencies, pages 21-67.

²³Omitted by the Suits Valuation (Punjab Amendment) Act, 1942 (XIII of 1942) s.3; and published in the Punjab Gazette (Extraordinary), dated 4.12.1942.

²⁴XIV of 1882. See now s.99 of the Code of Civil Procedure, 1908 (Act VI of 1908).

²⁵Added by the Suits Valuation (Punjab Amendment) Act, 1942 (XIII of 1942) s.3; and published in the Punjab Gazette (Extraordinary), dated 4.12.1942.

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 its 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 Procedure²⁶ or other enactment for the time being in force.

(5) This section extends to ²⁷[the whole of Pakistan], and shall come into force on the first day of July, 1887.

12. Proceedings pending at commencement of Part I or Part II.— Nothing in Part I or Part II 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, or Part II has come into force, as the case may be, or
- (b) with respect to any appeal arising out of any such suit.

²⁶XIV of 1882. See now s.115 of the Code of Civil Procedure, 1908 (Act V of 1908).

²⁷Substituted for the words “all the Provinces and the Capital of the Federation” by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), w.e.f. 14.10.1955, s.3 and the 2nd Schedule; and published in the Gazette of Pakistan (Extraordinary), dated 9.6.1960, pages 725-845, which had been substituted for the words “the whole of British India” by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. 4 of 1949), Articles 3(2) and 4; and published in the Gazette of Pakistan (Extraordinary), pages 223-283.