

HIGH COURT OF ANDHRA PRADESH

* * * *

CIVIL MISCELLANEOUS APPEAL No. 609 of 2025

Between:

Valladasi Sri Mounika @ Sirisha

.....APPELLANT

AND

Anumula Usha Lakshmi and 9 others

.....RESPONDENTS

DATE OF JUDGMENT RESERVED : 11.02.2025

DATE OF JUDGMENT PRONOUNCED : 17.03.2026

DATE OF JUDGMENT UPLOADED : 17.03.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI, J

MAHESWARA RAO KUNCHEAM, J

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
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! Counsel for the Appellant
Sastry

: Sri S. S. Prasad, Sr.Advocate
Assisted by Sri N. Chidamabara

Counsel for the Respondents 1 & 2 : Sri I. Madhu Babu,
Representing Smt. S.A.V. Ratnam

< Gist :

> Head Note:

? Cases Referred:

1. 1991 SCC OnLine AP 1
2. 1998 SCC OnLine AP 648 (FB)
3. 1964 SCC OnLine AP 100
4. AIR 1958 SC 245
5. (2022) 13 SCC 221

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BL SRI JUSTICE MAHESWARA RAO KUNCHEAM**

CIVIL MISCELLANEOUS APPEAL No. 609 of 2025

JUDGMENT: (per Hon'ble Sri Justice Ravi Nath Tilhari)

Heard Sri S. S. Prasad, learned Senior Advocate, assisted by Sri N. Chidambara Sastry, learned counsel for the appellant, and Sri I. Madhu Babu, learned counsel, representing Smt. S. A. V. Ratnam, learned counsel for respondents Nos.1 & 2, on the point of maintainability of the appeal, in view of the objections raised by the Registry.

Facts:

2. Respondent Nos.1 to 3 filed O.S.No.25 of 2025 in the Court of the Civil Judge (Senior Division), Pithapuram against the appellant (1st defendant) and the respondent Nos.4 to 10 (defendants No.2 to 8). The suit was for declaration and injunction. The prayer in the suit reads as under:

"IX. Prayer:

It is humbly prayed that this Hon'ble Court may be pleased to issue a decree and judgment in favour of the plaintiffs and against the defendants:

1. By Declaring the plaintiffs and as the absolute owner and possessor of the suit schedule property;
2. For consequential injunction restraining the Defendants, their men, agents, and other claiming to them from ever interfering with the peaceful possession and enjoyment of the plaintiff over the plaint schedule property.
3. For consequentially declaring that the Settlement Deed No.2806/2025, dated 24-03-2025 as sham document and is null and void.
4. For the costs of the suit.

5. And for other relief and reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. The plaintiffs/respondents also filed I.A.No.306 of 2025 for grant of temporary injunction, which after contest was allowed vide Order dated 18.07.2025, granting temporary injunction restraining the defendants in the suit and their men from interfering with the peaceful possession and enjoyment of the plaintiffs over the petition schedule property until disposal of the suit.

4. Challenging the Order dated 18.07.2025, the present civil miscellaneous appeal has been filed by the appellant/1st defendant in the suit.

Office Objection:

5. An office objection with respect to the maintainability of the appeal on the ground of pecuniary jurisdiction was raised. The office objection is as follows:

“1. Please clarify and state as to how this CMA SR is entertainable in this Hon'ble High Court with regard to pecuniary jurisdiction since the I.A.306/2025 in O.S.No.25/2025 is from Court of Senior Civil Judge where upon CMA lies in District Court.

2. Please verify the plaint for valuation of Appeal since as per the plaint copy, “Relief for declaration and consequential injunction, the value is Rs.33,33,300/-“ and to appeal in this Hon'ble Court, the value is to be more than 50 lakhs from the Court of Senior Civil Judge as per Amended Act 26/2018 of Civil Courts Act.”

Response of the Appellant:

6. Learned counsel for the appellant, represented the above CMA initially (SR) No.30355 of 2025 with the following note, submitting that the CMA was maintainable in this Court.

“The value of the subject matter properties, as per the values given in the plaint, is 66 lakhs and odd. For the purpose of court fee, in a suit for declaration and injunction, under the provisions in the AP Court fees and suit valuation Act 1956, court fee was paid on one half of the value of the properties. That cannot be taken as the value of the suit or the above CMA for the purpose of jurisdiction. In the circumstances, as the value of the subject matter in the suit is more than 50 lakhs this CMA is maintainable in this Hon’ble Court. If office has still any objection the matter may be placed before the Hon’ble Court for appropriate orders.”

Orders in this Appeal on Office Objection:

7. The Registry, however, not being satisfied with the explanation, listed the matter for Orders of the Court to the maintainability of the CMA (SR) in the High Court.

8. On 29.08.2025 a Coordinate Bench of this Court *prima facie* being satisfied that the objection raised by the Office was not sustainable, directed the Registry to number the appeal, which has been numbed as CMA.No.609 of 2025. The Order dated 29.08.2025 reads as under:

“Heard Mr.S.S.Prasad, learned Senior Counsel appearing for the appellant, who made submissions with reference to the provisions of the A. P. Court Fees & Suits Valuation Act, 1956. He also placed reliance on the decision reported in **Gunna Venkataratnam vs. Gunna Kesava Rao**, 1991 SCC OnLine AP 1.

Prima facie, we are satisfied that the objection raised by the Office is not sustainable. However, Mr.Madhu Babu, learned counsel states that he filed Caveat on behalf of the respondents/plaintiffs and raised objection with regard to maintainability of the present appeal. While taking note of it and granting time for filing counter affidavit. Registry is directed to number the appeal.

List the appeal on 03.09.2025.”

9. As per the aforesaid Order, the Coordinate Bench was satisfied *prima facie* that the objection raised by the Office was not sustainable and recording the same, the Coordinate Bench granted time to the learned counsel for the Caveator/plaintiffs/respondents to file counter affidavit on the point of maintainability.

10. Thereafter, on 30.09.2025 the Coordinate Bench passed the following Order:

“Mr.S.S.Prasad, learned Senior Counsel appearing for the appellant fairly states that the decision of a learned Single Judge in **Gunna Venkataratnam vs. Gunna Kesava Rao**, 1991 SCC OnLine AP 1, on which he placed reliance, is over-ruled. However, he states that the Hon’ble Supreme Court had an occasion to deal with the decision on which the learned single Judge placed reliance. He wants to make further submissions.

At his request, list the appeal on 17.09.2025

Mr. O.Manohar Reddy, learned Senior Counsel appeared on behalf of the respondents.”

11. It is evident from the aforesaid two Orders that the Coordinate Bench was initially *prima facie* satisfied in view of the judgment in the case of **Gunna Venkataratnam v. Gunna Kesava Rao**¹ upon which reliance was placed by the learned counsel for the appellant, but on the next date 03.09.2025 learned counsel for the appellant submitted that the said judgment had been overruled, and had also submitted that the Hon’ble Apex Court had an occasion to deal with the issue.

12. This is how the matter has come up before this Court to consider the Office Objection though the CMA has been numbered.

¹ 1991 SCC OnLine AP 1

Point for consideration/issue:

13. The issue is, if the present appeal is maintainable in the High Court or it should have been filed before the Court of District Judge. The issue rests on the answer to the question what is the valuation of the appeal. In other words, above Rs.50 lakhs so as to be filed in the High Court or up to Rs.50 lakhs in which case the appeal is to be filed before the learned District Judge as the Order under challenge is the Order passed by the learned Senior Civil Judge.

Submissions of the learned counsel for the appellant:

14. Sri S. S. Prasad, learned senior counsel, assisted by Sri N. Chidambara Sastry, learned counsel for the appellant, submitted that the valuation of the suit as per the plaint averments is Rs.66,66,600/- as per valuation certificate issued by Sub-Registrar's Office, Tuni. He submitted that as per the plaintiffs, the suit was within the territorial as also the pecuniary jurisdiction of the learned Senior Civil Judge, Pithapuram. He submitted that though the Court fee was paid on the half of the value of the property i.e., on Rs.33,33,300/- for the relief of declaration and consequential injunction, amounting to Rs.35,826/- as per Section 24 (b) of Schedule I of the A.P.Court Fee and Suit Valuation Act, but his submission is that the valuation of the suit for the purposes of jurisdiction and valuation for the purpose of the court fee is different. The Court fee is to be paid in the suit of the present nature as per Section 24 (b) of Schedule I of the A.P.Court Fee and Suit Valuation Act, but the valuation of the subject matter of the property as per valuation certificate, shall be as has been so mentioned by the plaintiffs themselves. So, taking the

valuation of the property as Rs.66,66,600/- which is the valuation of the property in the suit, the same shall be valuation for the purpose of filing the appeal and it being above Rs.50 lakhs, the appeal shall lie to the High Court.

He referred to the plaint paras-VI and VII which read as under:

“VI Court Fee:

As per the Valuation certificate issued by SRO TUNI the value of the property is Rs.66,66,600/-.

The suit is valued on the half of the value of the property i.e., on Rs.33,33,300/- for the relief of declaration and consequential injunction and court fee of Rs.35,826 as per Sec.24 (b) of Schedule I of the A.P. Court fee and Suit Valuation Act.

As the prayer for Injunction is a consequential relief to the Declaration of title, no separate court fee is paid for the relief of Injunction.

VII. Jurisdiction:

As the property in question is situated within the Territorial limits of this Court, this Court has both pecuniary and territorial jurisdiction to entertain the suit.”

15. Learned counsel for the appellant further submitted that the valuation for the purposes of the Court fee paid cannot be taken as the value of the suit or of the civil appeal for the purpose of jurisdiction.

16. Learned counsel for the appellant submitted that in ***Gunna Venkataratnam*** (supra) the learned single Judge of this Court held that the entire value of the subject matter is relevant for the purpose of determining the jurisdiction and not the value (3/4th as in that case) of the subject matter for the purposes of the court fee. In the said case, the value of the appeal for the purposes of the jurisdiction was taken the same as the value of the subject matter and not the value on which the court fee was paid. He however further

submitted that the judgment of the learned single Judge was overruled by the Full Bench of this Court in ***Kalla Yadagiri v. Kotha Bal Reddy***². The Full Bench held that Section 16 of the A.P.Civil Courts Act, 1972 was not concerned with the mode of valuation of the suits and the valuation of the suits for determining the jurisdiction is outside the purview of the Act 1972. That was equally applicable to the appeals also, referred to in Section 17 of the said Act. The Full Bench held that Section 50 (1) & (2) of the A.P.Court Fee and Suits Valuation Act 1956 was the only provision dealing with the value of any suit for the purpose of determining the jurisdiction of the Courts. Likewise, the value of the appeal for the purpose of jurisdiction was governed by only Section 49 of A.P.Court Fees and Suits Valuation Act, 1956. So, the Full Bench held that for the purpose of jurisdiction the value of the appeal would be governed only by Section 49 of the A.P.Court Fee and Suit Valuation Act. In other words its valuation for the purpose of the court fee would govern the jurisdiction as well. Learned counsel for the appellant submitted that there was a previous judgment by the Division Bench in ***Sidramappa v. Sangappa***³ which had taken that view in a case governed by Section 50 (1) of the Court Fee & Suit Valuation Act, that the value of the subject matter for determining the jurisdiction shall be the same and not different from the value of the subject matter for computing the court fee. The Division Bench judgment was not taken note of by the learned single Judge in ***Gunna Venkataratnam*** (supra). He submitted that the Full Bench placed reliance on the judgment of the

² 1998 SCC OnLine AP 648 (FB)

³ 1964 SCC OnLine AP 100

Hon'ble Apex Court in ***S. RM. AR. S. SP. Sathappa Chettiar v. S. RM. AR. RM. Ramanathan Chettiar***⁴, in which the Hon'ble Apex Court held that the amount at which the plaintiff had valued the relief sought for, for the purposes of court fees that determines the value for jurisdiction in the suit as well but not vice versa. Learned counsel submitted that subsequently the judgment of the Hon'ble Apex Court in ***S. RM. AR. S. SP. Sathappa Chettiar*** (supra) was explained and clarified in ***State of Punjab v. Dev Brat Sharma***⁵. In his submission, in view of such clarification, the very basis of the Full Bench judgment is taken away and consequently, he submitted that the judgment by the learned single Judge in ***Gunna Venkataratnam*** (supra) should hold the field and not the Full Bench and so for the purposes of jurisdiction, it is the valuation of the suit subject property and not the valuation for the purposes of the court fee that should determine the jurisdiction.

17. Thus, in the submission of the learned Senior Counsel for the appellant, the valuation of the suit subject property as per the plaintiff himself being Rs.66,66,600/- and the same being above Rs.50 lakhs the appeal should lie to the High Court and not to the District Court. The Office Objection therefore deserved to be overruled.

Submissions of the learned counsel for the respondents:

18. On the other hand, learned counsel for the respondents/plaintiffs submitted that the judgment by the learned single Judge was contrary to the previous Division Bench judgment and the Full Bench having overruled, the

⁴ AIR 1958 SC 245

⁵ (2022) 13 SCC 221

learned single Judge judgment and having affirmed the view taken by the Division Bench judgment and the Full Bench judgment being based on the judgment of the Hon'ble Apex Court, the law as laid down by the Full Bench is to be followed and in view thereof for the purposes of jurisdiction also it is the valuation on which the court fee is determined shall be taken as the valuation for the purpose of jurisdiction. The same being Rs.33,33,300/- i.e., below Rs.50 lakhs the appeal is not maintainable in the High Court, but should be filed before the learned Court of District Judge. He submitted that the Office Objection deserved to be sustained and the appeal deserved to be dismissed on the ground of lack of pecuniary jurisdiction.

Analysis:

19. We have considered the aforesaid submissions and perused the material on record and also gone through the relevant provisions of law of which reference shall be made shortly, as also the judgments cited.

20. The point for determination is as mentioned above, as to whether for the purposes of the present appeal, valuation of the subject matter of the suit or the valuation on which the court fee has been determined, should govern?

21. There is no dispute that the plaintiffs had valued the subject matter of the suit at Rs.66,66,600/-.

22. There is also no dispute that for the purposes of Court fee, the Court fee has been paid on half of the subject matter of the valuation, i.e., Rs.33,33,300/-.

23. The issue before us is, not to determine the valuation of the suit or for the purposes of court fee, but taking the valuation as mentioned in the plaint, on which there is no dispute raised in this appeal at this stage, we have to consider which one i.e., valuation of the subject matter or the valuation for court fee, shall be taken for the purposes of the pecuniary jurisdiction to maintain the appeal before the High Court or before the learned Court of District Judge.

24. At this stage, we may reproduce Section 50 of the A.P. Court Fees and Suit Valuation Act, 1956 as under:

“50. Suits not otherwise provided for - (1) If no specific provision is made in this Act or in any other law regarding the value of any suit for the purpose of determining the jurisdiction of Courts, value for that purpose and value for the purpose of computing the fee payable under this Act shall be the same.

(2) In a suit where fee is payable under this Act at a fixed rate, the value for the purpose of determining the jurisdiction of Courts shall be the market value of the movable property or three-fourths of the market value of the immovable property or, where it is not possible to estimate it at a money value the amount stated in the plaint.”

25. Section 17 of the A.P. Civil Courts Act, 1972 provides as under:

“17. Appeals from the decrees and Orders of courts in the districts - (1) An appeal shall, when it is allowed by law, lie from any decree or order in a civil suit or proceeding –

(i) of the District Court, to the High Court

(ii) of *[the court of Senior Civil Judge],-

(a) to the District Court, when the amount or value of the subject matter of the suit or proceeding is [not more than rupees fifty lakhs]];

(b) to the High Court, in other cases ; and

(iii) of *[the Court of Junior Civil Judge], to the District Court.

(2) The District Judge may, subject to the orders of the High Court, transfer for disposal any appeal from the decree or order of a *[Court of Junior Civil Judge] preferred in the District Court, to any *[Court of Senior Civil Judge] within the district.

(3) Where a *[Court of Senior Civil Judge] is established in any district at a place remote from the seat of the District Court, the High Court, may, with the previous sanction of the Government, direct that an appeal from the decree or order of any *[Court of Junior Civil Judge] within the local limits of the jurisdiction of such *[Court of Senior Civil Judge] shall be preferred in the said *[Court of Senior Civil Judge];

Provided that the District Judge may, from time to time, transfer to his own Court, any appeal so preferred, and dispose it of himself.”

26. We now consider the judgments cited, to find out mainly the law on the subject as laid down and that, whether the submission of the learned counsel for the appellant that the judgment by the Full Bench does not hold the field, in view of the subsequent judgment of the Hon'ble Apex Court in **Dev Brat Sharma** (supra) has any substance. He submitted that the very basis of the judgment of the Full Bench has been taken away and so the law as in the case of **Gunna Venkataratnam** (supra) stands revived which should be followed or in such a situation this bench should refer the matter to a Larger Bench or to a Bench of equal strength as the bench which decided **Kalla Yadagiri (FB)** (supra).

27. We state that if we are of the view on the consideration to be made that the later pronouncement of the Hon'ble Apex Court in **Dev Brat Sharma** (supra) does not affect the Full Bench judgment, then certainly bound by the judicial discipline and decorum, we have to follow the judgment by the Full

Bench in ***Kalla Yadagiri*** (supra). Further, if we find that the Full Bench judgment has been overruled by or in view of the law laid down in, ***Dev Brat Sharma*** (supra) by the Hon'ble Apex Court, then certainly we have to follow the judgment of the Hon'ble Apex Court or then we may pass the order to place the present matter before a Bench of the same strength as in ***Kalla Yadagiri (FB)*** (supra).

Gunna Venkataratnam v. Gunna Kesava Rao:

28. In ***Gunna Venkataratnam*** (supra), the suit before the trial Court was valued at Rs.18,000/- and the court fee was paid at Rs.13,500/- i.e., 3/4th of the value of the property under Section 24 of the A.P.Court Fees Act, 1956. For the purpose of jurisdiction, the suit was valued at the same amount of Rs.13,500/-, in view of the provisions of Section 50 (1) of the A.P.Court Fees Act. The suit was decreed, the defendants therein filed the appeal showing the value of the appeal as Rs.18,000/- by paying the court fee only on a sum of Rs.13,500/-. The Registry raised the objection. The objection was that the value of the appeal was shown as Rs.13,500/- and not Rs.18,000/- and the appeal should be presented before the District Court. The Registry relied upon Section 50 (1) of the A.P. Court Fees Act which deals with the value for the purpose of jurisdiction. The learned single Judge considered the provisions of Section 50 (1) of the A.P. Court Fees Act and Section 17 of the A.P. Civil Courts Act, 1972. It was observed that if Section 17 of the A.P. Civil Courts Act was applied the value of the subject matter being above Rs.15,000/- the appeal would lie to the High Court. If Section 50 (1) of the A.P. Court Fees and Suits

Valuation Act 1956 was to be applied and the value of the appeal was taken as Rs.13,500/-, the appeal from the Sub-Court would lie to the District Court. The question therefore posed for consideration was, as to which particular statute had to be followed. The learned single Judge held that in view of the language of Section 50 (1), which clearly stated that the provisions of that section were applicable unless there was any other specific provision in the A.P. Court Fees and Suits Valuation Act or any other law regarding valuation of the suit for the purpose of determining the jurisdiction of the courts, the provisions in Section 17 (1) of the A.P. Civil Courts Act, constituted a special or specific provision (within the meaning of Section 50 (1) of the A.P. Court Fees Act), inasmuch as under the said provision the value of the subject matter i.e., the entire value was relevant for the purpose of determining the jurisdiction and not 3/4th of the value of the subject matter as in Section 24 of the A.P. Court Fees and Suits Valuation Act. Being of that view, the learned single Judge held that the value of the appeal for the purpose of jurisdiction was to be taken as Rs.18,000/- and not Rs.13,500/- and held that the appeal would lie to the High Court and not to the District Court.

29. In ***Gunna Venkataratnam*** (supra) therefore it was held that for the purposes of the jurisdiction, the entire value of the suit is relevant and not the value of the subject matter for the purposes of the Court fee. Section 17 of the A.P. Civil Courts Act was held as a specific provision/law regarding the value of the suit for the purpose of determining the jurisdiction, to be a provision, to the contrary under Section 50 (1) of the A.P. Court Fees Act itself.

Sidramappa v. Sangappa (DB):

30. In ***Sidramappa*** (supra), a Division Bench of this Court had previously considered the same question taking into account the provisions of Section 50 of the A.P. Court Fees and Suit Valuation Act and Section 17 of the A.P. Civil Courts Act and had held that Section 50 (1) of the A.P. Court Fees and Suit Valuation Act governed the situation. Under that Section, the value for the purpose of determining jurisdiction shall be the same as that for computing the Court fee. In the said case, the value for the purposes of court fee was computed on 3/4th value of the lands as enjoined by Section 29 of the Act. It was held that the same shall be the value for the purposes of jurisdiction. The Division Bench had held that in a case governed by section 50 (1) of the A.P. Court Fees and Suits Valuation Act, the value of the subject matter for determining the jurisdiction shall be the same and not different from the value of the subject matter for computing the court fee. The value of the subject matter for determining the jurisdiction had to be assessed according to the prescribed mode of the provisions in the A.P. Court Fees and Suits Valuation Act and any departure therefrom was not permitted in law. The value had to be computed exactly in the manner prescribed.

31. Paragraph-15 of judgment in ***Sidramappa*** (supra) reads as under:

“15. Section 50(1) is explicit in its terms and does not bear even a vague reference to the market value at all not even as in section 50(2). It is difficult to conclude that pecuniary jurisdiction should nevertheless be determined only on the full market value of the property. This point was considered by this court in *Venkata Subbamma v. Ramaseshamma*, 1959-2 Andh WR 238 where Munikannaiah, J. did not agree with the proposition that, under the provisions

of Section 50(f) of the Act, the value of the suit for the purpose of computing the court-fee payable under the Act and that for determining the jurisdiction in effect could at all be different. We agree with that reasoning and hold that in a case governed by S. 50(1) the value of the subject matter for determining the jurisdiction shall be the same and not different from the value of the subject-matter for computing the court-fee. When it is clear that the value of the subject-matter for determining the jurisdiction has to be assessed according to the prescribed mode of the provisions in the Suits Valuation Act, any departure therefrom cannot be permitted in law. The value has to be computed exactly in the manner prescribed. Judged thus, the contention that the entire market value must be taken for determining the jurisdiction cannot be upheld. We therefore uphold the order of the District Munsif and dismiss the revision petition with costs.”

32. So, in ***Sidramappa*** (supra) it was held by the Division Bench that the value of the subject matter for determining the jurisdiction shall be the same as the value of the subject matter for computing the court fee.

33. The judgment in ***Sidramappa*** (supra) was not taken note of in ***Gunna Venkataratnam*** (supra). Apparently, ***Sidramappa*** (supra) of the Division Bench was the law, on the subject by the Division Bench and a contrary view was taken by the learned single Judge in ***Gunna Venkataratnam*** (supra) without noticing the Division Bench judgment.

Kalla Yadagiri v. Kotha Bal Reddy:

34. In ***Kalla Yadagiri (FB)*** (supra) the question at issue was; whether the provisions of the A.P. Civil Courts Act, 1972 dealt with the valuation of suits determining pecuniary jurisdiction overriding the provisions contained in the A.P. Court Fees and Suits Valuation Act, 1956.

35. In ***Kalla Yadagiri*** (supra) the Full Bench held that Section 16 of the A.P. Civil Courts Act, 1972 is not concerned with the mode of valuation of the suits and the valuation of the suits for determining the jurisdiction is outside the purview of the A.P. Civil Court Act and that was equally applicable to the appeals also, referring to Section 17 of the said Act. The Full Bench held that Section 50 with its sub-sections (1) and (2) of the A.P. Court Fees and Suits Valuation Act, 1956 is the only provision dealing with the value of any suit for the purpose of determining the jurisdiction of the courts, and likewise, the value of the appeal for the purpose of jurisdiction was governed by only A.P. Court Fees and Suits Valuation Act, 1956. The Full Bench upheld the view taken by the Division Bench in ***Sidramappa*** (supra) and overruled the view taken by the learned single Judge in ***Gunna Venkataratnam*** (supra).

36. Paragraph-9 of the ***Kalla Yadagiri (FB)*** (supra) reads as under:

“9. In view of what is stated supra, we hold that Section 16 of the A.P.Civil Courts Act, 1972 is not concerned with the mode of valuation of the suits and the valuation of the suits for determining the jurisdiction is outside the purview of the said Act. This is equally applicable to the appeals also, referred to in Section 17 of the above Act. Section 50 with its sub-sections (1) and (2) of the A.P.Court Fees and Suits Valuation Act, 1956 is the only provision dealing with the value of any suit for the purpose of determining the jurisdiction of the courts. Likewise, the value of the appeal for the purpose of jurisdiction is governed by only Section 49 of A.P.Court-fees and Suits Valuation Act, 1956. In the circumstances, we uphold the view taken by the Division Bench in *Sidramappa v. Sangappa* (2 supra) and overrule the view taken by the learned single Judge in *G.Venkataratnam v. G.Kesava Rao* (1 Supra).”

37. Thus, in ***Kalla Yadagiri*** (supra) the Full Bench held that the jurisdiction of the Court, in the suit or appeal, is to be determined as per Section 50 of the A.P. Court Fees and Suit Valuation Act, and the A.P. Civil Courts Act was not applicable for such purposes. In view of Section 50, the valuation for the purpose of court fee would be the valuation for determining the jurisdiction as well.

38. In ***Kalla Yadagiri*** (supra), the Full Bench considered the judgment of the Hon'ble Apex Court in ***Sathappa Chettiar*** (supra). The reference of the said judgment was made in paragraph-8 and that part is reproduced as under:

“8.....There are several judicial precedents supporting our view that the value of the relief for the purpose of Court fees determines the jurisdiction and we need not state those plethora of precedents *and* suffice it to mention a judgment of the Supreme Court directly on the point dealing with analogous provision in the Suits Valuation Act, 1887, in *Sathappa Chettirar v. Ramanathan Chettiar*, (3) AIR 1958 SC 245. It is apt to extract the relevant portion of the said judgment:

“There *can* be little doubt that the effect of the provisions of Section 8 is to make the value for the purpose of jurisdiction dependent upon the value as determinable for computation of Court- fees and that is natural enough. The computation of Court-fees in suits falling under Section 7(iv) of the Act depends upon the valuation that the plaintiff makes in respect of his claim. Once the plaintiff exercises his option and values his claim for the purpose of Court fees, that determines the value for jurisdiction. The value for Court-fees and the value for jurisdiction must no doubt be the same in such cases; but it is the value of the Court-fees stated by the plaintiff that is of primary importance. It is from this value that the value for jurisdiction must be determined. The result is that it is the amount at which the plaintiff has valued the relief sought for the purposes of Court-fees that determines the value for jurisdiction in the suit and not vice versa.”

S. RM. AR. S. SP. Sathappa Chettiar v. S. RM. AR. RM. Ramanathan Chettiar:

39. In ***Sathappa Chettiar*** (supra) the plaintiff's suit for partition for his share was decreed. The appeal was filed in the High Court. Pending the appeal, the dispute was settled amicably between the parties in respect of the properties then in suit. The appellant before the Hon'ble Apex Court, the plaintiff, raised the contention that the compromise transactions did not bind him and so the claim for recovery of his share ignoring the transaction between his father and the respondent in the appeal was made. It was held that the said Order/direction was erroneous in law. It was held that Section 7 (iv) (b) of Court Fees Act, 1870 dealt with suits to enforce the right to share in the property on the ground that it is joint family property and the amount of fees payable on plaints in such suits provided "*according to the amount at which the relief sought is valued in the plaint or memorandum of appeal*". The Hon'ble Apex Court held that in all suits falling under Section 7(iv) the plaintiff shall state the amount at which the value of the relief as sought. If the scheme laid down for the computation of fees payable in suits covered by the several sub-sections of Section 7 was considered, it would be clear that, in respect of suits falling under sub-section (iv), a departure had been made and liberty had been given to the plaintiff to value his claim for the purposes of court fees. The theoretical basis of the said provision appeared to be that in cases in which the plaintiff was given the option to value his claim, it was really difficult to value the claim with any precision or definiteness. The basis of the claim was that the property in respect of which a share was claimed was joint family property. It

was the property in which the plaintiff had an undivided share. The conversion of the plaintiff's alleged undivided share in the joint family property into a separate share could not be easily valued in terms of rupees with any precision or definiteness. The Hon'ble Apex Court observed that the legislature had left it to the option of the plaintiff to value his claim for the payment of court fees. So, in suits falling under Section 7 (iv) (b) the amount as stated by the plaintiff as the value of his claim for partition had ordinarily to be accepted by the court in computing the court fees payable in respect of the said relief.

40. Thereafter, the Hon'ble Apex Court further considered as to what would be the value for the purpose of jurisdiction in such suits. The Hon'ble Apex Court observed that the question had to be decided by reading Section 7(iv) of the Act along with Section 8 of the Suits Valuation Act. Section 8 of the Suit Valuation Act provided that, where in any suits other than those referred to in Court Fees Act Section 7, paras 5, 6 and 9 and para 10 clause (d), court fees are payable *ad valorem* under the Act, the value determinable for the computation of court fees and the value for the purposes of jurisdiction shall be the same. In other words, it was observed that so far as suits falling under Section 7, sub-section (iv) of the Act were concerned, Section 8 of the Suits Valuation Act provided that the value as determinable for the computation of court fees and the value for the purposes of jurisdiction shall be the same. The Hon'ble Apex Court observed and held that once the plaintiff exercised his option and valued his claim for the purpose of court fees, that determined the value for jurisdiction. The value for court fees and the value for jurisdiction

must no doubt be the same in such cases; but it was the value for court fees stated by the plaintiff that was of primary importance. It was from this value that the value for jurisdiction must be determined. The Hon'ble Apex Court concluded that it was the amount at which the plaintiff had valued the relief sought for the purposes of court fees that determined the value for jurisdiction in the suit and not vice versa.

41. Paragraph-15 of ***Sathappa Chettiar*** (supra) reads as under:

“15. What would be the value for the purpose of jurisdiction in such suits is another question which often arises for decision. This question has to be decided by reading Section 7(iv) of the Act along with Section 8 of the Suits Valuation Act. This latter section provides that, where in any suits other than those referred to in Court Fees Act Section 7, paras 5, 6 and 9 and para 10 clause (d), court fees are payable ad valorem under the Act, the value determinable for the computation of court fees and the value for the purposes of jurisdiction shall be the same. In other words, so far as suits falling under Section 7, sub-section (iv) of the Act are concerned, Section 8 of the Suits Valuation Act provides that the value as determinable for the computation of court fees and the value for the purposes of jurisdiction shall be the same. There can be little doubt that the effect of the provisions of Section 8 is to make the value for the purpose of jurisdiction dependent upon the value as determinable for computation of court fees and that is natural enough. The computation of court fees in suits falling under Section 7(iv) of the Act depends upon the valuation that the plaintiff makes in respect of his claim. Once the plaintiff exercises his option and values his claim for the purpose of court fees, that determines the value for jurisdiction. The value for court fees and the value for jurisdiction must no doubt be the same in such cases; but it is the value for court fees stated by the plaintiff that is of primary importance. It is from this value that the value for jurisdiction must be determined. The result is that it is the amount at which the plaintiff has valued the relief sought for the purposes of court fees that determines the value for jurisdiction in the suit and not vice versa.

Incidentally we may point out that according to the appellant it was really not necessary in the present case to mention Rs 15,00,000 as the valuation for the purposes of jurisdiction since on complaints filed on the Original Side of the Madras High Court prior to 1953 there was no need to make any jurisdictional valuation.”

State of Punjab v. Dev Brat Sharma:

42. In ***Dev Brat Sharma*** (supra), the respondent therein Dev Brat Sharma instituted a suit for recovery of Rs.20 lakh as damages allegedly suffered by him on account of denying the status of freedom fighter by the defendants and also for the loss of reputation on account of non-issuance of certificate of freedom fighter along with interest. The defendant in the suit/appellant before the Hon’ble Apex Court preferred an application under Order 7 Rule 11 (c) read with Section 151 CPC on the ground of non-payment of requisite court fee and the same was registered as I.A.No.00001 of 2016. The application was allowed with a direction to the respondent to file the court fees on the amount of Rs.20 lakhs. The revision filed by the respondent was allowed by the High Court and the judgment of the High Court was under challenge before the Hon’ble Apex Court.

43. In ***Dev Brat Sharma*** (supra), the Hon’ble Apex Court, so far as the judgment in ***Santhappa Chettiar*** (supra) is concerned, held that the valuation for the purpose of jurisdiction and the relief has to be the same in money suits falling under category 7 (i). It was only in the category of suits covered under sub-section (iv) of Section 7 that there would be two different valuations for the purpose of jurisdiction and for relief sought. It was observed

that in ***Santhappa Chettiar*** (supra) the relief claimed was for partition of joint family properties and for accounts in respect of joint family assets managed by the respondents. In ***Santhappa Chettiar*** (supra) the category of the suit was covered by Section 7 (iv) of the Act. In ***Dev Brat Sharma*** (supra) the category of the suit was money suit in Section 7 (i) of the Act. So, ***Dev Brat Sharma*** (supra) was not a case of a suit falling under Section 7 (iv) of the Act. The Hon'ble Apex Court clarified in ***Dev Brat Sharma*** (supra) that, it was not laid down *inter alia* in ***Santhappa Chettiar*** (supra) case that, for the purpose of suit covered under clauses other than Section 7 (iv) of the Act, there would be separate valuation for the purpose of court fee and jurisdiction. So, this was clarified that ***Santhappa Chettiar*** (supra) was with respect to the suits falling under Section 7 (iv) and not to the suit falling outside the Section 7 (iv). The Hon'ble Apex Court in ***Dev Brat Sharma*** (supra) observed specifically that in the suit of the nature as in ***Dev Brat Sharma*** (supra) i.e., for recovery of money suit mentioned in Section 7 (i), the plaintiff had not given a separate valuation for the relief sought as the plaintiff had no liberty and right to give different valuation than what was being actually claimed. In the said case in the plaint, paragraph-11, the plaintiff had clearly stated that the valuation was the same for the court fees and the jurisdiction.

44. Para-30 of ***Dev Brat Sharma*** (supra) reads as under:

“30. The valuation for the purposes of jurisdiction and relief has to be the same in the money suits falling under Category 7 (i). It was only in category of suits covered by clause (iv) of Section 7 that there could be two different valuations for the purposes of jurisdiction and for relief sought.”

45. We state that in **Kalla Yadagiri** (supra) the provisions of A.P. Civil Courts Act, 1972 and the A.P. Court Fees and Suits Valuation Act, 1956 were under consideration. In **Sathappa Chettiar** (supra), of the Hon'ble Apex Court the provisions of Court Fees Act 1870 and the Suits Valuation Act 1887 were under consideration. So, *prima facie*, different Acts were under consideration in **Kalla Yadagiri** (supra) and in **Sathappa Chettiar** (supra). The Full Bench for the view it has taken referred to **Sathappa Chettiar** (supra) clearly observing that on the point of 'analogues provisions' of the Suits Valuation Act 1887.

46. So, on the aforesaid consideration, we are of the view that,

- a) In **Dev Brat Sharma** (supra) the suit was of the nature falling under Section 7 (i) of the Court Fees Act, 1870. It was not falling under Section 7 (iv) of the Court Fees Act 1870.
- b) **Santhappa Chettiar** (supra) is a case falling under Section 7 (iv) of the Court Fees Act 1870.
- c) In a suit falling under Section 7 (iv) of the Court Fees Act 1870, the plaintiff has been given the liberty and right to give different valuation for the relief sought, but that liberty is not available in a suit falling outside section 7 (iv) of the Court Fees Act 1870.
- d) For a suit under Section 7 (iv) of the Court Fees Act 1870 where the plaintiff has got the right to give separate valuation for the relief sought than the valuation of the subject matter, there could be two separate valuations for the purpose of jurisdiction and for the relief

sought. In such a case, ***Santhappa Chettiar*** (supra) shall apply and the valuation for the purpose of the relief which is also for the purpose of court fee shall be taken, as the valuation for the jurisdiction as well in view of Section 8 of the Suits Valuation Act 1887.

- e) But, the principle as laid down in ***Santhappa Chettiar*** (supra) would not apply with respect to a suit falling outside Section 7 (iv) i.e., falling in Section 7 (i), in which case the plaintiff has got no liberty to give separate valuation, in view of ***Dev Brat Sharma*** (supra).
- f) ***Dev Brat Sharma*** (supra) clarifies that the judgment in ***Santhappa Chettiar*** (supra) to the above extent, and it does not lay down that in the cases of suit falling under Section 7 (iv) there cannot be different valuation, one for the purpose of jurisdiction and the other for the purpose of court fee nor that in a case falling under Section 7 (iv) the valuation for the purpose of jurisdiction would not be the same as the valuation for the purpose of the court fee.

47. So, in our view, the judgment of the Hon'ble Apex Court in the case of ***Santhappa Chettiar*** (supra) is with respect to a suit falling under Section 7 (iv) of the Court Fee Act 1870 and the Suits Valuation Act 1887 and the judgment in the case of ***Dev Brat Sharma*** (supra) lays down the law with

respect to the suits falling under Section 7 (i), in other words the suit falling outside Section 7 (iv) and so not covered by ***Santhappa Chettiar*** (supra).

48. The present is a case for declaration of title and for consequential relief of injunction. In the State of Andhra Pradesh the Acts applicable are (i) A.P. Court Fees and Suits Valuation Act 1956 and (ii) The A.P. Civil Courts Act 1972.

49. The Full Bench in ***Kalla Yadagiri*** (supra) is an authority on the point involved on consideration of the provisions of the Acts as applicable to the State of Andhra Pradesh.

50. The expression 'Any Suit' in Section 50 of the A.P. Court Fees and Suits Valuation Act, 1956 shall include 'Any Suit' for which no specific provision is made in the Act of 1956 or in any other law regarding the value of any suit for the purpose of determining the jurisdiction of Courts. The Full Bench has held that Section 17 of the A.P. Civil Courts Act, 1972 is no such provision. Consequently, in the present case governed by the provisions of A.P. Civil Courts Act, 1972 and the A.P. Court Fees and Suits Valuation Act, 1956 there appears to be no relevance of Section 7 of the Court Fees Act, 1870 or of the Suits Valuation Act 1887. The nature of the suit, in the present case for valuation of court fee is covered under Section 24 (b) of the A.P. Court Fees and Suits Valuation Act, 1956, which requires that where the prayer is for declaration and for consequential injunction with reference to any immovable property, fee shall be computed on one-half of the market value of the property or on rupees three hundred, whichever is higher. The valuation for court fee as

per Section 24 (b), being Rs.33,33,300/- the same will also be for the purposes of the jurisdiction.

51. Thus, considered. We are of the view that the submissions advanced by the learned counsel for the appellant that in view of the judgment in ***Dev Brat Sharma*** (supra), clarifying the Hon'ble Apex Court in ***Sathappa Chettiar*** (supra) and laying down the law as in ***Dev Brat Sharma*** (supra) the very basis of the Full Bench judgment in ***Kalla Yadagiri*** (supra) has been taken away and consequently, in view of ***Dev Brat Sharma*** (supra), the judgment of the learned single Judge in ***Gunna Venkataratnam*** (supra) should be followed, is misconceived. We are not in agreement with such a submission, for the reasons we have recorded above and such a submission is rejected.

52. We are bound to follow the Full Bench judgment and do so, and not the learned single Judge's judgment as was much emphasized before us to be followed by the learned counsel for the appellant.

53. The other judgments referred by the learned counsel for the appellant along with the compilation of citations, as also various Acts on the court fee, suit valuation, civil courts of different states, deserve no consideration for the purposes of the present case, as those provisions of the statute are applicable in the other States as also the other rulings which are not directly on the provisions of the statute applicable in the State of Andhra Pradesh.

Conclusion:

54. Thus, considered. We hold that the valuation of the suit for the purposes of the court fee i.e., Rs.33,33,300/- as per para-VI of the plaint shall also determine the jurisdiction of the Court in view of Section 50 of the A.P. Court Fees and Suits Valuation Act, 1956 read with Section 17 of the A.P. Civil Courts Act, 1972 in view of the law laid down in ***Kalla Yadagiri (FB)*** (supra). We accordingly answer the point / issue for determination.

Result:

55. Consequently, the valuation for the purpose of jurisdiction being less than and not above Rs.50 lakhs, the Office Objection is sustained. The appeal should be filed before the concerned learned Court of the Principal District Judge and is not maintainable in the High Court.

56. The Office Objection is upheld. Let the Registry remit the Record of Appeal to the learned Court concerned of the Principal District Judge.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

RAVI NATH TILHARI, J

MAHESWARA RAO KUNCHEAM, J

Date: .03.2026
Dsr

Note:
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