



The Suits Valuation and the Bombay Court-fees (Amendment) and the
Bombay City Civil Court Decrees and Orders (Validation) Act, 1970

Act 9 of 1970

Keyword(s):
Suits Valuation, Court-Fees, Civil Court

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

**THE SUITS VALUATION AND BOMBAY COURT-FEES (AMENDMENT)
AND BOMBAY CITY CIVIL COURT DECREES AND ORDERS
(VALIDATING) ACT, 1969**

CONTENTS

PREAMBLE

SECTIONS

1. Short title and commencement.
2. Amendment of section 9 of Act VII of 1887.
3. Repeal of rule made by the High Court under section 9 of the Suits Valuation Act.
4. Amendment of section 6 of Bom. XXXVI of 1959.
5. Amendment of Schedule II to Bom. XXXVI of 1959.
6. Validation and restoration and transfer of certain proceedings.
7. Saving.

MAHARASHTRA ACT No. 1A OF 1970.¹

[THE SUITS VALUATION AND BOMBAY COURT-FEES (AMENDMENT) AND BOMBAY CITY CIVIL COURT DECREES AND ORDERS (VALIDATING) ACT, 1969.]

[12th February 1970]

Amended by Mah. 24 of 1970.

An Act further to amend the Suits Valuation Act, 1887, and the Bombay Court-fees Act, 1959, and to validate certain decrees and orders of the Bombay City Civil Court.

WHEREAS, the High Court of Judicature at Bombay has, in Letters Patent Appeal No. 44 of 1968 (with A. O. No. 237 of 1968 and A.O. No. 301 of 1968) decided on the 15th October 1968, held that where the subject-matter of a suit in Greater Bombay is not capable of being estimated in money value, it cannot be said that the money value of such suit is less than Rs. 25,000; that such suit cannot be entertained by the Bombay City Civil Court (hereinafter referred to as "the City Court"); and that such suits must be filed in the High Court;

VIII of 1887. AND WHEREAS, the High Court has, in exercise of the powers conferred on it by section 9 of the Suits Valuation Act, 1887, in its application to the State of Maharashtra, and with the previous sanction of the State Government, made a rule under its Notification No. P-0126/58, dated the 30th July 1969, that suits of certain specified classes, the subject-matter of which, in the opinion of the Court, does not admit of being satisfactorily valued, shall, for the purposes of the said Act and any other enactment for the time being in force, be treated as if their subject-matter were of the value of three hundred rupees;

AND WHEREAS, the High Court judgment aforesaid affects the decrees and orders already passed and made in suits and proceedings, the subject-matter of which did not admit of being satisfactorily valued, such suits and proceedings which may be pending and the filing of such suits and proceedings which may not be covered by the High Court rule aforesaid;

AND WHEREAS, it is expedient to adopt the principle contained in the High Court rule and to enact with retrospective effect that generally all such suits and proceedings shall in Greater Bombay lie in the City Court, and to validate the decrees and orders passed and made in such suits and proceedings by the City Court before the High Court judgment was delivered;

Bom. XXXVI of 1959. AND WHEREAS, it is also expedient further to amend the Bombay Court-fees Act, 1959 to prescribe proper *ad valorem* fees in certain declaratory suits where a nominal fee is payable at present, and the provision is being abused;

VII of 1887. Bom. XXXVI of 1959. AND WHEREAS, it is thus expedient further to amend the Suits Valuation Act, 1887, in its application to the State of Maharashtra, and the Bombay Court-fees Act, 1959, to validate certain decrees and orders passed and made by the City Court and to make necessary supplemental and incidental provisions; It is hereby enacted in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Suits Valuation and Bombay Court-fees (Amendment) and Bombay City Civil Court Decrees and Orders (Validating) Act, 1969.

Short title and commencement.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1969, Part V, Extra page 662.

(2) It shall come into force on such date¹ as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section
9 of Act
VII of
1887.

2. For section 9 of the Suits Valuation Act, 1887, in its application to the State VII of Maharashtra (hereinafter referred to as "the Suits Valuation Act"), the of following section shall be, and shall be deemed always to have been, substituted, 1887. namely:—

Value of
certain
suits to
be three
hundred
rupees.

" 9. Where the subject-matter of suits other than suits mentioned in the Court-fees Act, 1870, section 7, paragraphs (v) and (vi), and paragraph (x), clause (d), of or in any corresponding provision of the Court-fees Act, for the time being in force 1870. in any area in the State, is such that it does not admit of being satisfactorily valued, then such suits shall, for the purposes of this Act, and if the High Court, with the previous sanction of the State Government, so directs also for the purposes of any other enactment for the time being in force specified in that behalf by the High Court, be treated as if their subject-matter is of the value of three hundred rupees; and the provisions of the last preceding section shall apply as if the court-fees therein are payable *ad valorem* under the relevant Court-fees Act."

Repeal of
rule made
by the
High Court
under section 9 of
the Suits
Valuation
Act.

3. The rule made by the High Court, with the previous sanction of the State Government, under section 9 of the Suits Valuation Act and published in its Notification No. P-0126/58, dated the 30th July 1969, shall stand repealed.

4. [Amendment of section 6 of Bom. XXXVI of 1959.] Amendments have been incorporated in the principal Act.

5. [Amendment of Schedule II to Bom. XXXVI of 1959.] Amendment has been incorporated in the principal Act.

Validation
and restoration
and transfer of
certain
proceedings.

6. (1) Notwithstanding anything contained in any judgment, decree or order of any Court, any decree passed or order made (other than an order of return of the plaint, petition or application on the ground hereinafter referred to), in any suit or other proceedings, the subject-matter of which was not susceptible of monetary evaluation or was not capable of being estimated in money value, by the City Court in the exercise or purported exercise of its jurisdiction under section 3 of the Bombay City Civil Court Act, 1948, or any other enactment for the time being in force, shall be, and shall be deemed always to have been, valid and effectual, and shall not be called in question in any Court on the ground only that the subject-matter of the suit or other proceedings was not susceptible of monetary evaluation or was not capable of being estimated in money value and that therefore the City Court had no jurisdiction to entertain the suit or proceedings or to pass or to make the decree or order, as the case may be (hereinafter in this section referred to as "the said ground").

Bom.
XL of
1948.

(2) (a) If any such suits or proceedings are pending in the City Court at the commencement of this Act, they shall be continued from the stage reached immediately before such commencement and heard and disposed of by that Court.

(b) Where any plaint, petition or application has been directed to be returned by the City Court by an order made before the commencement of this Act on the said ground for being presented to the proper Court, such order shall be void and of no effect; and the City Court shall, where the plaint, petition or application has been

¹ 16th day of March 1970 (*vide* G.N., L. and J.D. No. CCS. 2768/5528-H, dated 16th March 1970).

XXX-
VI of
1963.

returned, notwithstanding anything to the contrary in the Limitation Act, 1963 or any other enactment for the time being in force, on application made to it within six months from the commencement of this Act by any person prejudicially affected by such order, receive back the plaint, petition or application and continue the suit or proceedings from the stage reached immediately before such order was made; and where the plaint, petition or application although ordered to be returned has not been returned before the commencement of this Act, the City Court shall, without any further application, continue the suit or proceedings from the stage reached immediately before such order was made.

(c) If any suits or proceedings, the subject-matter of which is not susceptible of monetary evaluation or is not capable of being estimated in money value, have been filed and pending in the High Court at the commencement of this Act, they shall be transferred to the City Court and shall be heard and disposed of by the City Court; and the City Court shall have all the powers and jurisdiction thereof as if they had been originally instituted in that Court. Any order made by the High Court granting any interim relief shall stand as if it had been made by the City Court.

Bom.
XL of
1948.

[In any suit or proceedings so transferred, institution fees shall be paid, credit being given to any court fee levied in the High Court, and cost incurred in the High Court till the date of transfer shall be assessed by the City Court in the same manner in which such fees and cost are assessed by it under sub-section (3) of section 4A of the Bombay City Civil Court Act, 1948, and the rules made thereunder, in respect of suits of proceedings transferred to it under sub-section (1) of that section.]

(3) (a) Where in any appeal disposed of before the commencement of this Act, any decree passed or order made by the City Court has been found to be invalid on the said ground by the Appellate Court, and the Appellate Court has ordered that the plaint, petition or application be returned to the party for presentation to the proper Court, such order shall be void and of no effect; and the Appellate Court shall, where the plaint, petition or application has been returned, notwithstanding anything to the contrary in the Limitation Act, 1963 or any other enactment for the time being in force, on application made to it within six months from the commencement of this Act by any person prejudicially affected by such order, receive back the plaint, petition or application and restore the appeal at and continue the appeal from the stage reached immediately before such order was made; and where the plaint, petition or application although ordered to be returned has not been returned before the commencement of this Act, the Appellate Court shall, without any further application, continue the appeal proceedings from the stage reached immediately before such order was made.

XXX-
VI of
1963.

(b) Where in any appeal disposed of before the commencement of this Act, any order of return of the plaint, petition or application made by the City Court on the said ground has been confirmed by the Appellate Court, the order made by the Appellate Court shall be void and of no effect; and the City Court shall, where the plaint, petition or application has been returned, notwithstanding anything to the contrary in the Limitation Act, 1963 or any other enactment for the time being in force, on application made to it within six months from the commencement of this Act by any person prejudicially affected by such order, receive back the plaint, petition or application and continue the suit or proceedings from the stage reached immediately before the order of return was made by it; and where the plaint, petition or application although ordered to be returned has not been returned before the commencement of this Act, the City Court shall, without any further application, continue the suit or proceedings from the stage reached immediately before the order of return was made by it.

XXX-
VI of
1963.

7. Nothing contained in this Act shall affect the validity of any decrees passed or orders made in any suits or proceedings, the subject-matter of which was not susceptible of monetary evaluation or was not capable of being estimated in money value, which were filed in the High Court on or after the 15th October 1968 and disposed of by that Court before the commencement of this Act. Saving.