

Goa, Daman And Diu Suits Valuation Act, 1965

13 of 1965

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An Act to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto. Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Sixteenth year of the Republic of India as follows:

1. Short title, extent and commencement :-

(1) This Act may be called THE GOA, DAMAN AND DIU SUITS VALUATION ACT. 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date¹ as the State Government may, by notification in the Official Gazette, appoint and different dates may be notified, for different provisions of the Act and for different areas.

1. 15-6-1986 is the date appointed-See Goa Govt, Gaz., 9-6-1986, Sr. I, p. 88 (No. 10).

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) "Court Fees Act" means the Court-fees Act, 1870 as extended to the Union Territory of Goa, Daman and Diu;
- (b) "High Court" Means the Court of the Judicial Commissioner constituted under the Goa, Daman and Diu (Judicial Commissioners Court) Regulation, 1963 (No. 10 of 1963):
- (c) "State Government" means the Administrator of Goa, Daman and Diu appointed under Article 239 of the Constitution.

3. Power of State Government to make rules determining the value of land for jurisdictional purposes :-

- (1) The State Government may, in consultation with the High Court, make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in the Court-fees Act, section 7, paragraphs V and VI and paragraph X, clause (d).
- (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: Provided that such rules shall provide that the value of land for the purposes of jurisdiction shall in no case be less than the value as determinable for the computation of court-fees.
- (3) A rule made under this section shall not take effect till the expiration of one month after it has been published in the Official Gazette.

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, section 7, para. IV. or Schedule II, Article 17, relates to land or an interest in land of which the value has been determined by rules made under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought, in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

5. 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,

section 7 . para- graphs V, VI and IX. and paragraph X, clause (d), court-fees are payable ad valo- rem under the Court-fees Act, the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the same.

6. 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, 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 State Government, direct that suits of that class shall for the purposes of the Court-fees Act, and of this Act and any other enactment for the time being in force, be treated as if their subject-mattet were of such value as the High Court thinks fit to specify in this behalf.

7. Objections to jurisdiction on ground of erroneous valuation :-

(1) Notwith- standing anything in Section 99 of the Code of Civil Procedure, 1908 , 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 no 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: Provided that in a suit for accounts the value for purposes of jurisdiction as determined by the Court at any stage of the trial shall be final and co.nclusive 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 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, in 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 115 of the Code of Civil Procedure, 1908 or other enactment for the time being in force.

8. Saving of pending proceedings :-

Nothing in this Act shall be construed to affect, the jurisdiction of any Court-

(a) with respect to any suit instituted before rules framed under section 3 applicable to the valuation; of the suit take effect, or any other section of the Act comes into force, as the case may be, or

(b) with respect to any appeal arising out of any such suit.

9. Repeal :-

As from the commencement of this Act, any law in force in the Union Territory of Goa, Daman and Diu or any part thereof, corresponding to this Act or such provisions thereof as have come into force shall stand repealed.

10. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty.