

THE SUITS VALUATION ACT.

[INDIA ACT VII, 1887.] (11th February, 1887.)

1. * * * *

PART I.

SUITS RELATING TO LAND.

2. This Part shall extend to such local areas, and come into force therein on such dates, as the President of the Union by notification in the Gazette directs. Extent and commencement of Part I.
3. (1) The President of the Union may 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). Power for President to make rules determining value of land for jurisdictional purposes.
- (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. Where a suit mentioned in the Court Fees Act, section 7, paragraph iv, or Schedule II, article 17, 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 in the suit is valued shall not exceed the value of the land or interest as determined by those rules. Valuation of relief in certain suits relating to land not to exceed the value of the land.
5. (1) The President of the Union shall, before making rules under section 3, consult the High Court with respect thereto. Making and enforcement of rules.
- (2) A rule under that section shall not take effect till the expiration of one month after the rule has been published in the Gazette.

6. * * * *

PART II.¹

OTHER SUITS.

7. * * * *

8. Where in suits, other than those referred to in the Court Fees Act, section 7, paragraphs v, vi and ix, and paragraph x, clause (d), court-fees are payable *ad valorem* 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. Court-fee value and jurisdictional value to be the same in certain suits.

¹ Part II of this Act, which extends to the whole of the Union of Burma, came into force on the 1st July 1887, see section 7 of India Act VII, 1887.

Determina-
tion of value
of certain
suits by High
Court.

9. 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 President of the Union, 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-matter were of such value as the High Court thinks fit to specify in this behalf.

10. * * * *

PART III.

SUPPLEMENTAL PROVISIONS.

Procedure
where objec-
tion is taken
on appeal or
revision that
a suit or ap-
peal was not
properly
valued for
jurisdictional
purposea.

¹ 11. (1) Notwithstanding anything in the Code of Civil Procedure, 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.

(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 its order to a Court competent to entertain the suit or appeal.

¹ Section 11 extends to the whole of the Union of Burma, and came into force on the 1st July, 1887, see sub-section (5) of section 11 of India Act VII, 1887.

(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 or other enactment for the time being in force.

(5) * * * *

THE LIMITATION ACT.

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