

[SC] Court-fees Act, 1870, Section 7(iv)(d) - Valuation - Suit for injunction - Has to be decided primarily with reference to the relief/reliefs claimed - It is the nature of relief claimed in the plaint which is decisive of the question of suit valuation - The market value does not become decisive of suit valuation merely because an immovable property is the subject-matter of litigation - The market value of the immovable property involved in the litigation might have its relevance depending on the nature of relief claimed but, ultimately, the valuation of any particular suit has to be decided primarily with reference to the relief/reliefs claimed - Held, despite unquestionable principle of law that such a suit for mandatory and prohibitory injunction is not required to be valued at the market value of the property, the High Court has relied only upon the market value of the property to hold the valuation of the present suit to be “arbitrary.” - Such a conclusion of the High Court neither stands in conformity with law nor with the frame and the nature of the present suit. [Para 9.1, 10]

Facts: Suit - Plaintiff sought the relief of mandatory injunction for removing defendants and their belongings from the plot in question, while alleging that the defendants were in occupation thereof only as licensees and were obliged to remove themselves after termination of respective licenses - Prayer also for the relief of perpetual prohibitory injunction that defendants may not create any third-party rights in the suit property or raise any construction thereon - Suit valued for the purpose of Court fees and jurisdiction at Rs. 250 for each of the reliefs for injunction and at Rs. 1 lakh for damages

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