

VALUATION OF SUIT IN RECOVERY OF MONEY (LOANS & DAMAGES)

- 1) The principle laid down Under Sec.15 of Civil Procedure Code shall be followed while filing the suits. Sec.15 lays down that a suit shall be instituted before "Lower Competent Court" as per the pecuniary jurisdiction.
- 2) Under Sec.20 of Andhra Pradesh Court Fee and Suits Valuation Act, the money suits are to be valued for all the amounts claimed by the plaintiff in the suit, which includes the Principal Amount and Interest and any other amounts.
- 3) If plaintiff and defendant are one and the same in two or more transactions the plaintiff can file a single suit claiming two or more transaction amounts (principal amounts and interest), but the plaintiff has to pay separate Court Fee for each suit claim. In either case he has to pay separate court fee for each claim.
- 4) Under Order (2) Rule (2) of C.P.C., the plaintiff once relinquished his claim, cannot initiate the separate suit for interest amount. Order (2) Rule (2) lays down that a suit must include the whole of the claim to which the plaintiff is entitled in respect of the cause of action and where the plaintiff omits to sue or intentionally relinquishes any portion of this claim he shall not afterwards be allowed to sue in respect of the claim so omitted or relinquished.