BLOGS

Learn in a Minute: Types of Jurisdiction under the Civil Procedure Code

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Read this post to learn about the types of jurisdiction under CPC- Territorial, Pecuniary, Subject Matter, Original & Appellate, and more!

Introduction

Jurisdiction refers to the authority of a court to hear and decide a case. It is a fundamental principle of law that no court can adjudicate upon a matter unless it has jurisdiction.

The Code of Civil Procedure, 1908 (CPC), lays down detailed provisions regarding the jurisdiction of civil courts in India. Jurisdiction is essential as it determines which court has the competence to hear a particular matter, ensuring that cases are adjudicated efficiently and justly.

Types of Jurisdiction

Jurisdiction under CPC can be broadly classified into the following categories:

1. Territorial Jurisdiction

Territorial jurisdiction refers to the geographical limits within which a court has the authority to adjudicate matters. Section 16 to Section 20 of the CPC deal with territorial jurisdiction.

- Section 16: Relates to suits concerning immovable property, stating that such suits must be instituted in the court within whose territorial limits the property is situated.
- Section 17: Deals with cases where the property is situated in the jurisdiction of more than one court.
- Section 18: Provides for situations where there is uncertainty regarding jurisdiction.
- Section 19: Applies to suits related to compensation for wrongs to a person or movable property.

- Section 20: States that suits not covered under previous sections can be filed where the defendant resides, carries on business, or where the cause of action arises.

2. Pecuniary Jurisdiction

Pecuniary jurisdiction refers to the monetary value of a claim that a court is authorized to hear. The CPC ensures that cases are filed in courts with the appropriate financial competence. The hierarchy of courts based on pecuniary limits is prescribed under respective High Court rules.

3. Subject Matter Jurisdiction

This type of jurisdiction is based on the nature of the case. Certain courts have exclusive jurisdiction over specific types of matters. For example, family courts deal exclusively with matrimonial disputes, while commercial courts handle commercial disputes above a certain monetary threshold. Civil courts do not have jurisdiction over matters expressly barred by law.

4. Original and Appellate Jurisdiction

- Original jurisdiction refers to the authority of a court to hear a case in the first instance. District courts and High Courts (in certain cases) have original jurisdiction over civil matters.
- Appellate jurisdiction allows a higher court to review the decision of a lower court. High Courts and the Supreme Court exercise appellate jurisdiction in civil matters.

5. Inherent Jurisdiction

Inherent jurisdiction refers to the power of a court to act in the interest of justice even when specific provisions may not expressly confer such authority. Section 151 of the CPC recognizes the inherent powers of civil courts to pass necessary orders to meet the ends of justice and prevent abuse of process.

Exclusion of Jurisdiction

Jurisdiction of civil courts can be excluded in the following ways:

- By Statute: When a specific statute explicitly bars the jurisdiction of a civil court, such as in cases related to taxation, labor disputes, or special tribunals.

- By Agreement: Parties to a contract may agree to submit their disputes to arbitration or a specific court.
- By Doctrine of Res Judicata (Section 11 CPC): A matter that has been finally decided cannot be re-litigated in another court.

Objections to Jurisdiction

An objection regarding jurisdiction must be raised at the earliest possible stage. If a case is heard by a court without jurisdiction, its decision is void ab initio.

However, if the parties do not object and the case is decided on merits, the decision may still hold unless it is challenged in a higher court.

Conclusion

Jurisdiction is a crucial aspect of the judicial process as it determines which court can entertain a case. The CPC lays down elaborate provisions to ensure that cases are instituted in appropriate courts, thereby preventing unnecessary delays and jurisdictional conflicts.

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