



TAMIL NADU STATE JUDICIAL ACADEMY - REGIONAL CENTRE, MADURAI

Webinar-XXIII on “Jurisdiction of Civil Courts”

30.01.2022

Event Report

The Programme commenced with the Welcome Address by Mr. S. Muthu Maharajan, Deputy Director of the Tamil Nadu State Judicial Academy, Regional Centre, Madurai. He extended his warm welcome to the Resource Person Mr. J. Barathan, Advocate, Madurai Bench of Madras High Court and also to the Participants.

The Resource person Mr. J. Barathan dealt with the topic extensively. He explained about the types jurisdiction viz., Pecuniary Jurisdiction, Territorial Jurisdiction and Subject-Matter Jurisdiction individually and elaborately. Section 9 of CPC and the relevant provisions was explained by the Resource person with specific instances.

The Resource Person emphasized that, a suit which has higher value cannot be tried by a Court of lower pecuniary jurisdiction and if tried the decree is a nullity. At the same time, a suit which has a lower value if tried by a higher pecuniary jurisdiction Court, the decree is valid. He also explained that Pecuniary Jurisdiction has to be considered on the valuation of the suit property as on the date of presentation of the Plaint. After presentation of the plaint but before taking on file, if the valuation of the property increases, the valuation on the date of presentation determines the pecuniary jurisdiction of a Court.

It was clarified that, if a Counter- Claim is filed and if it is valued higher than the pecuniary limits of the Court, then the counter-claim has to be returned to be

presented before proper court. The counter-claim can only be tried along with the suit, if it does not exceed the pecuniary limits of the Court concerned as per the *proviso* to Order VIII Rule 6-A of Civil Procedure Code. It was also discussed that, the Court has power to pass decree in excess of its pecuniary jurisdiction in some circumstances and explained with illustrations.

When the resource person spoke about Territorial Jurisdiction, in particularly as to the jurisdiction on consent of parties, he elucidated that, if the properties come within the two or more Courts, and if the parties entered into an agreement to file a suit in a particular court of the said two or more courts, then by consent the jurisdiction of the other courts are excluded.

The Resource Person also dealt with the Subject-matter jurisdiction, Express and implied statutory bar to entertain civil suits and also as to the 'civil nature' as stated in Section 9 CPC. Important Judgments relating to the topic was discussed by the resource person.

During interactive session, the queries of the participants were answered. After completion of the 1st session, the Deputy Director briefed the participants on the Judgment of the Hon'ble High Court in **Crl.O.P.No.7347 of 2017** dated 17.11.2021. At the end of the programme, the Deputy Director proposed Vote of Thanks.
