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(**B.A LL.B VI Semester**)

Unit- I Introduction

Topic: Jurisdiction

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Jurisdiction

Jurisdiction means the extent of the power of a court to entertain suits and applications. It means authority to decide. It also means “the authority to hear and decide a legal controversy”; the power to determine issues of law and fact”; the authority by which Judicial Officers take cognizance of and decide causes”; the power to hear and determine the subject matter in controversy between parties to a suit and adjudicate or exercise any judicial power over them” etc. In other words, jurisdiction of a Court means “its authority to decide matters that are litigated before it or to take cognizance of the matters presented before it in a formal way for its decision.”

Jurisdiction in a technical sense implies the extent of the authority of a Court to administer justice not only with reference to the subject matter of the suit but also to the local and pecuniary limits of its jurisdiction.

Additional Collector of Customs v/s M/s Best and Co.

The Supreme Court India held that jurisdiction consists in taking cognizance of a case involving determination of some jural relation, in ascertaining the essential point of it and in pronouncing upon them .

Both the words, the jurisdiction and competency are used interchangeably or are in a sense synonymous. When we say that the Court has jurisdiction it means that the Court is competent, meaning thereby that the Court has got decision.

“A Court is said to have jurisdiction of the subject matter of a particular controversy if the Court has authority to hear and decide causes of a class to which the particular controversy belongs. In defining jurisdiction of the subject matter in these terms the Courts have emphasized that the jurisdiction of a court depends upon its right to decide the case and not upon merits of its decision.

Dealing with the question of jurisdiction of Civil Court the Supreme Court of India

In Achuthan Nair v/s P. Narayanan Nair

Held that in India the question whether a suit is cognizable by a Civil Court is to be decided with reference to Section 9 of Civil Procedure Code.

A jurisdiction implies two things:

- Jurisdiction over the subject matter of the suit, and
- A power to make an order.

A very instructive exposition of the concept of jurisdiction has been made by Delhi High Court.

Joginder Singh V/s Nirmal in the context of Rent Control Acts the Court observed:

Jurisdiction is the power and authority conferred by law upon a Court, judge or tribunal to decide the dispute and make judgments/orders authorized by law.

There are in general three jurisdictional elements in every valid judgment, namely, jurisdiction of the subject matter, jurisdiction of the person and the power or authority to render the particular judgment.

Absence of any of the jurisdictional elements would render the judgment void and a mere nullity. Jurisdiction of a Court is a mixed question of law and fact. It cannot be decided at stage of deciding application for temporary injunction and for that only the averments in the plaint could be seen.

Kinds of Jurisdiction

- **Original and Appellate Jurisdiction:**

A Court may have original or appellate jurisdiction or it may have both. In the exercise of its original jurisdiction of court entertains and tries original suits instituted in that court.

In the exercise of the appellate jurisdiction it entertains hears and decides appeals from decrees passed by subordinate Courts.

High Courts have the both the original as well as appellate jurisdiction.

- **Territorial or local Jurisdiction:**

Every Court has its own local limits beyond which it cannot exercise its jurisdiction.

In other words, beyond its local limits, the writ of the court does not lie. These limits are usually fixed by the State Government. A district Judge has a territorial (local) jurisdiction within his district and not outside it. Similarly, a High Court has got a territorial jurisdiction over the territory of the State in which it is situated.

- **Pecuniary (Monetary) Jurisdiction**

In terms of Section 6 of the Code a Court will have jurisdiction only over those suits, the amount or value of the subject matter of which does not exceed the pecuniary limits of its Jurisdiction.

Not only the territorial limit of every Court is fixed by the government, pecuniary limit too is fixed by the government, pecuniary limit too is fixed by the government.

The pecuniary limit of the Courts may be different in different states.

- **Jurisdiction as to subject matter**

In order to decide the competency of a Court it is not only necessary that it should have local and pecuniary jurisdiction, but it must also possess subject matter jurisdiction.

Different Courts have been empowered to decide different kinds of suits.

In other words, there are certain Courts which cannot try certain suits although they may be having local as well as pecuniary jurisdiction.

Thus, a small Cause Court can try such suits as a suit for money due on account of an oral loan or under a bond or promissory note, a suit for price of work done etc.

It has no jurisdiction to try suits for specific performance of a contracts, for dissolution of a partnership, for an injunction, suits relating to immovable property or for defamation etc.

Thank You