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Unit –II Jurisdiction

Topic: Hierarchy of Civil Court

# Hierarchy of Civil Court

- ❖ Supreme Court
- ❖ High Court
- ❖ District Court and Additional District Judges
- ❖ Civil Judge I
- ❖ Civil Judge II
- ❖ Court of small Causes for Metropolitan Cities
- ❖ Munsif's Court or Court of Sub Judge III Class

“The judiciary was to be an arm of the social revolution upholding the equality that Indian had long for.”

The Supreme Court in our Constitution at the top is the final interpreter and guardian of the Constitution. It is also guardian of fundamental rights of citizens. It is a great tribunal which has to draw the line between individual liberty and social control. Alladi Krishnaswami Aiyer, Member of Drafting Committee.

Supreme Court is the highest Court of appeal in civil matters.

At the top is the Union judiciary and then comes judiciary of States and at the bottom is the subordinate judicial system.

The judiciary in States consists of a High Court and a system of Courts subordinate to it.

Provided that in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted:

**Provided further that:**

- A Judge may, by writing under his hand addressed to the President, resign his office;
- A Judge may be removed from his office in the manner provided in clause (4).

Article 124 of the Constitution throws light on the establishment of Supreme Court. It is as follows:

Establishment and Constitution of Supreme Court (Article 124) :-

- ❖ There shall be a Supreme Court of India consisting of a Chief Justice of India and until, Parliament by law prescribes a larger number, of not more than seven other judges.
- ❖ Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of Supreme Court in the States as the president may deem necessary for the and shall hold office until he attains the age of the sixty-five years.

2-A The age of a Judge of the Supreme Court shall be determined by such authority and in such manner as Parliament may by law provide :

1. A person shall not be qualified for appointment as a Judge of the Supreme Court unless he is a citizen of India, and
  - a) Has been for at least five years a judge of a High Court or of two or more such Courts in succession; or
  - b) Has been for at least ten years an advocate of a High Court or of two or more such Courts in succession; or
  - c) Is in opinion of the President a distinguished jurist.

- 1) A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehavior or incapacity.
- 2) Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehavior or incapacity of a Judge under clause (4).
- 3) Every person appointed to be a Judge of the Supreme Court shall, before he enters upon his office, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.
- 4) No person who has held office as a Judge of the Supreme Court shall plead or act in any court or before any authority within the territory of India.

**Thank You**