

B.COM LL.B VI SEMESTER CPC

Unit-1 jurisdiction

TOPIC:- PLACE OF SUING

DR. TRIPTI SHARMA
INSTITUTE OF LAW
98272-26254
DATE: 28-03-2020

INTRODUCTION:-

“Ubi Jus Ibi Remedium” which means that where there is right there is a remedy, a basic principle of English right which is accepted by the Indian law. When a person right is curtailed or being infringed then he has to approach to the appropriate forum or the appropriate judicial forum for the award of compensation. Such judicial form must have an authority to adjudicate on the matter. the judicial forum must have jurisdiction to deal with the matter. Each Court has a different jurisdiction.

PLACE OF SUING:-

Section 15 to 20 deals with the place of suing.

There are three kinds of jurisdiction to determine the place of suing:-

- Territorial jurisdictions
- Pecuniary jurisdictions
- Subject matter jurisdiction

Whenever the suit is brought before the court the first question is to determine is whether the court has a jurisdiction to deal with the matter. If the court has all these (territorial, pecuniary, or subject matter jurisdiction then only the court has the power to deal with the case. In the case, if the court does not have any of the above-mentioned factors then it will be considered as lack of jurisdiction or the irregular exercise of jurisdiction. when the court who does not have jurisdiction decide the case and give decision then such decision will be considered as void or voidable depending upon the different circumstances.

- Pecuniary jurisdiction ([Section 15](#)):-

Every suit shall be instituted in the court of lowest grade competent to try it. The word competent denotes that the court must have the power to hear the case with regards to pecuniary jurisdiction. The court of lowest grade who has a jurisdiction with regards to pecuniary value shall deal with the case at first instance.

[Section 16](#):- states that the suit related to immovable property shall be instituted where such immovable property is situated.

[Section 17](#):- Cases in which the immovable property is situated within the local limits of the jurisdiction of different courts.

[Section 18](#):- A place of an institution when the jurisdiction of courts is uncertain.

[Section 19](#):- Suits with regard to movable property.

[Section 20](#):- Other suits to be instituted where defendants reside or cause of action arises.

CONCLUSION:-

- The concept of the place of suing is very important as it helps to determine the jurisdiction of each court. It helps to the plaintiff where to file a suit. It saves the time of the court in determining the jurisdiction of the court.