

ORDER U/O 7 RULE 10 OF CPC

The plaintiff has filed present suit for recovery of money against the defendants with interest of two percent and also future interest at 13.50%.

2. On perusal of the records it is found that the loan amount for recovery is Rs.8,36,803/-. Hence, the following points arise for my consideration:

1. Whether this court has no jurisdiction to entertain the suit?

3. My findings to the above point is in the affirmative for the following

::REASONS::

4. The plaintiff has filed present suit for recovery of money against the defendants with interest of two percent and also future interest at 13.50%. The jurisdiction of Civil Court to entertain a civil suit and try the same has been classified in to Three categories.

1. Territorial Jurisdiction.
2. Pecuniary Jurisdiction.
3. Jurisdiction over the subject matter.

Order 7 Rule 11 CPC contemplates the bar on the jurisdiction of civil courts to entertain & try the suit, if the suit is hit by any of the provisions contemplated in Rule 11 (a) to (f) of order 7 CPC. Whereas order 7 Rule 10 CPC contemplates the return of plaint when the pecuniary jurisdiction of civil courts has been ceased. As per the amended provisions of the Karnataka Civil Courts Act, the pecuniary jurisdiction of civil courts junior division is fixed at Rs.5,00,000/-. In

the case on hand, on perusal of plaint the claim amount is Rs.8,36,803/-. By considering this material aspect I am of the considered opinion that the pecuniary jurisdiction of this court to try the suit is ousted and this court is supposed to return the plaint to the plaintiffs by invoking the provisions of order 7 Rule 10 CPC for presenting the plaint before the proper court having jurisdiction to try the suit. The opinion of the court with regard to return of plaint has been informed to the counsel of the plaintiff, accordingly to return the plaint by fixing the date for presenting the plaint before the jurisdictional court. In view of my above findings & discussions, I proceed to pass the following :

:: ORDER ::

The plaint in the above suit is hereby returned to the plaintiff for presenting the same before the Hon'ble Senior Civil Court at Gadag.

The plaintiff shall present the returned plaint before the Hon'ble Senior Civil Court at Gadag within 30 days from today.

Office shall comply the order.

Civil Judge, Nargund.