



CODE OF CIVIL PROCEDURE 1908

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CODE OF CIVIL PROCEDURE 1908

- It integrates the provisions of law relating to procedure of Civil Court.
- CPC is divided in two Parts. 1st Parts contains the 158 Sections, while 2nd part consists of 51 Orders, its Rules and also contains 8 Appendices (A to H).





**FUNDAMENTAL PRINCIPLES ARE
CONTAINED IN THE SECTIONS AND THUS
CREATE JURISDICTION, HENCE A
SUBSTANTIVE LAW. WHEREAS RULES
DEAL WITH THE DETAILED PROCEDURE
AS TO HOW THE JURISDICTION SHOULD
BE EXERCISED IN CIVIL COURT**

JURISDICTION OF THE CIVIL COURT

- Jurisdiction has not been explained in the Code of Civil Procedure. In simple words, it can be described as the power of the court to settle the matter.
- jurisdiction is a key component in determining whether or not the court has the power to adjudicate the case. Without a clear understanding of the jurisdiction, one cannot proceed with a case.



TYPES OF JURISDICTION

1. **Territorial Jurisdiction:** The regional limits of the court. Under this territorial or local jurisdiction, the geographical limits of a court's authority are clearly delineated and specified. It cannot exercise authority beyond that geographical/ territorial limit.



TYPES OF JURISDICTION

2. Pecuniary Jurisdiction: The Fiscal value of the Civil Suit. The Code of Civil Procedure allows analysing the case unless the suit's value exceeds the financial limit of the court. Section 15 of the code commands the organisation of the suit in the court of the low grade. It refers to pecuniary jurisdiction of Civil court.



TYPES OF JURISDICTION

3. **Subject matter:** The specialties of the case

The subject matter can be defined as the authority vested in a court to understand and try cases concerning a special type of subject matter. In other words, it means that some courts are banned from hearing cases of a certain nature. No question of choices can be decided by the court which do not have subject matter jurisdiction.



TYPES OF JURISDICTION

It means court must not be the only jurisdiction to decide a specific matter but also the court has the ability to give the order for which it is examined



ORIGINAL AND APPELLATE JURISDICTION

- **Original Jurisdiction:** refers to the court's authority to take notice of cases that could be decided in these courts in the first instance itself. Unlike appellate jurisdiction wherein courts review the previously decided matter, here the cases are heard afresh.



ORIGINAL AND APPELLATE JURISDICTION

- **Appellate jurisdiction:** refers to the court's authority to review the cases that have been already decided in the lower courts. In the Indian circumstances, both the High Court and Supreme Court have the appellate jurisdiction to take the subjects that are brought in the form of appeals.



EXCLUSIVE AND CONCURRENT JURISDICTION

- **Exclusive Jurisdiction:** In Code of Civil Procedure, exclusive jurisdiction means where a single court has the authority to decide a case to the rejection of all the courts. This jurisdiction is decided on the basis of the subject matter dealt with by a specific court.



EXCLUSIVE AND CONCURRENT JURISDICTION

- **Concurrent jurisdiction:** exists where two or more courts from different systems simultaneously have jurisdiction over a particular case. In this situation, parties will try to have their civil or criminal case heard in the court that they perceive will be most favourable to them.



THANK YOU

