

Question:

Define Jurisdiction? What is pecuniary jurisdiction?

Answer:

Section 6 to the Code says "pecuniary jurisdiction. – save in so far as is otherwise expressly provided, nothing herein contained shall operate to give any Court jurisdiction over suits the amount or value of the subject-matter or which exceeds the pecuniary limits (if any) of its ordinary jurisdiction."

JURISDICTION.

The term "jurisdiction" refers to the legal authority to administer justice in accordance with the means provided by law and subject to the limitations imposed by law. **1999 SCMR 900.** It concerns the power of the court to hear, determine and adjudicate a cause by exercising its judicial power and authority. Whenever jurisdiction is given subject to certain terms, such terms must be complied with in order to create and raise the jurisdiction and in their absence jurisdiction does not arise. If no limit is placed, the jurisdiction is unlimited. Jurisdiction consists in taking cognizance of a case involving the determination of jural relations, in ascertaining the essential points of it and in pronouncing upon them.

There is a distinction in the meaning and connotation of the terms 'want of jurisdiction', 'excess of jurisdiction' and 'wrong exercise of jurisdiction'. **1999 SCMR 900.**

PECUNIARY LIMITS.

One of the limitations regulting the jurisdiction of civil courts is the limit placed upon its pecuniary jurisdiction. The valuation in the plaint normally determines the jurisdiction of a court. Valuation is determined in accordance with the Suits Valuation Act of 1887.

It is not the value of the property involved but the value of the relief claimed which determines jurisdiction. **PLD 1965 Kar. 359.** However the court can interfere to correct valuation as given in the plaint as for instance where the valuation is based upon misrepresentation or fraud. The provisions of Order 7 rule 11 empower a court to order correction of the valuation. As a general rule the defendant's plea in his written statement is not determinatives of the jurisdiction of the court.

If pending adjudication the value of the subject matter of the suit increases, the court will not lose jurisdiction, for jurisdiction once obtained is not determined by a change in the value of the subject matter and the court can proceed with the adjudication of the suit and decree the suit. **PLJ 1986 Lah.256**. In such cases the suit may also be got transferred to a court of competent pecuniary jurisdiction under Section 24 of the Code. In awarding a decree for future mense profits or accounts a court can award an amount in excess of its pecuniary jurisdiction. This rule does not apply to a suit for damages whom must be precisely claimed.
