



SECTION 9

ANSWER OUTLINE



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Ultimate Jurisdiction of Civil Courts u/sec 9

1. Preliminary note

2. Reference from Code

section 9 and 151

of Code of Civil Procedure, 1908

3. Meaning of Jurisdiction

1999 SCMR 900

“it refers to the legal authority to administer justice in accordance with the means provided by law and subject to limitations imposed by it”

4. Definition of Jurisdiction

Merriam webster’s dictionary

“The power, right or authority to interpret and apply the law”

5. Definition of Civil Court

section 3 of West Pakistan civil courts Ordinance, 1962

“Civil court is a court which is established under the West Pakistan civil courts ordinance, 1962”

6. Kinds of jurisdiction

7. Basic of Section 9

UBI JUS IBI REMEDIUM

8. Jurisdiction conferred upon civil courts u/sec 9

PLJ 1987 AJK 76

i. Suits of civil nature

1986 CLC 2593

ii. Suits involving civil Rights

PLD 1978 Lah 113

9. Suits Barred by Sec 9

I. Suits Expressly barred

- i. Bar by general classification of jurisdiction of civil courts
- ii. Bar subject to the provisions of the Code

II. Suits Impliedly Barred

- i. Act of State
- ii. Public Policy
- iii. Special Tribunals

10.Expressed Bar---of general classification of Civil courts jurisdiction

- i. Subject matter jurisdiction
- ii. Territorial jurisdiction
- iii. Pecuniary jurisdiction
- iii. Personal jurisdiction

11.Expressed Bar---of the provisions contained in the Code:

- I.** Absolute Bars
- II.** Conditional Bars
- III.** Special/Certain Bars

I. Absolute Bars:

A. From section portion of the Code:

- i. Res Judicata u/ sec 11
- ii. Sub judice u/ sec 10
- iii. Suits to be determined by executing court u/sec 47
- iv. Suits for Restitution u/sec 144
- v. Suit for want of jurisdiction u/ sec 12(2)

B. From order portion of Code:

- i. suits constructively Barred order ii, rule 2
- ii. Suits dismissed in Default order ix, rule 9
- iii. Suits for abandon portion order xxiii, rule 1
- iv. An insolvent person order xxii, rule 8

II. Conditional Bars:

- i. suits by Alien u/sec 83
- ii. Suits by Foreign state u/sec 84

III. Certain Bars:

- i. public Nuisance u/sec 91
- ii. Breach of Public Trust u/sec 92

12. Implied Bars:

2007 SCMR 262

- i. Act of State
- ii. Public policy
- iv. Special tribunals

13. General Bars:

- i. Criminal courts
- ii. Revenue Courts

14. Conclusion