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Subject: The Code of Civil Procedure
(B.A LL.B VI Semester)
Unit II Jurisdiction
Topic: Hierarchy of Courts
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Power and Jurisdictions of the Supreme Court

- ❖ A Court of Record (Article 129)
- ❖ Court of original jurisdiction (Article 131)
- ❖ Appellate jurisdiction (Article 132)
- ❖ Advisory jurisdiction (Article 143)
- ❖ Power of review of its judgment and order (Article 137)
- ❖ Power of transfer certain cases (Article 139-A)
- ❖ Ancillary powers of Supreme Court (Article 140)
- ❖ Rule making Power (Article 145)

Original jurisdiction of the Supreme Court

- ❖ Article 131 the provisions of Indian Constitution the Supreme Court shall, to the exclusion of any other
- ❖ Court, have original jurisdiction in any dispute
- ❖ Between the Government of India and one or more States; or
- ❖ Between the Government of India and any State or States on one side and one or more other States on the other; or
- ❖ Between two or more States.

The Supreme Court has concurrent original jurisdiction because Article 32 of the Constitution empowers the Supreme Court to issue the following writs:

- ❖ Habeas Corpus
- ❖ Mandamus
- ❖ Prohibition
- ❖ Quowarranto
- ❖ Certiorari

Appeal in constitutional matters.-

Article 132(1) of the Constitution an appeal shall lie to the Supreme Court from any judgment, decree or final order of a High Court in the territory of India, whether in a civil, criminal or other proceedings, if the High Court certifies under Article 134-A that case involves a substantial question of law as to interpretation of this constitution.

Following conditions are necessary for the grant of certificate by High Court under Article 132(1):

- ❖ The order appealed must be against a judgment, decree or final order passed by High Court in civil, criminal or other proceedings.
- ❖ Sufficient question of law must be involved as to interpretation of this Constitution.
- ❖ If High Court grants certificate under Article 134-A it would be heard by the Supreme Court.

Appeal in Civil Matters

Article 133-

An appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court in the territory of India. If the High Court certifies under Article 134-A:

- ❖ That the case involves a substantial question of law of general importance; and
- ❖ That in the opinion of the High Court the said question needs to be decided by the Supreme Court.
- ❖ Article 132, any party appealing to the Supreme Court under clause(1) may urge as one of the grounds in such appeal that a substantial question of law as to the interpretation of this Constitution has been wrongly decided.
- ❖ In this article no appeal shall, unless Parliament by law otherwise provides, lie to the Supreme Court from the judgment, decree or final order of one judge of a High Court.

Civil Proceedings-

- ❖ The expression “Civil Proceeding” means proceedings through which party asserts the existence of his civil rights. Through this proceeding a person seeks appropriate relief from the court of law.
- ❖ Civil rights are legal rights therefore they are enforceable by law.
- ❖ A proceeding before High Court under Article 226 for a grant of writ constitutes a civil proceedings.
- ❖ In appeal it is not permissible to raise new grounds which were not raise before the lower Court.

Thank You