

Pecuniary Jurisdiction The Delhi High Court (Amendment) Bill, 2014

The Delhi High Court (Amendment) Bill, 2014 was passed by the Rajya Sabha on 6 May 2015. The Bill seeks to reduce the workload of the Delhi High Court by increasing the pecuniary jurisdiction of the district courts from INR 20 lakh to INR 2 crore. Thus, the Delhi High Court will be entrusted with the suits valued at more than INR 2 crore.

Out of 24 High Courts in the country, only 4 high courts, i.e. High Court of Bombay, Calcutta, Madras and Delhi have original civil jurisdiction. Therefore, a limit has been fixed on the pecuniary jurisdiction of district courts only in metropolitan cities of Delhi, Mumbai, Chennai and Calcutta. Parliament (and State Legislatures except in case of Delhi) has the power to amend the pecuniary jurisdiction of all these high courts.

Enhancement of pecuniary jurisdiction has been a periodic yet irregular and inconsistent exercise. Inflation and increase in property circle rates make this review absolutely essential. The pecuniary jurisdiction of High Court of Delhi on original side was above INR 25,000 initially which was subsequently raised to INR 50,000 in 1970. It was enhanced to INR 1 lakh in 1980, to INR 5 lakhs in 1992 and to INR 20 lakhs in 2003. The pecuniary jurisdiction of High Court of Bombay was last revised in 2012 to INR 1 crore (except in matters connected to intellectual property, letters of patent, Parsi Marriage and divorce, even if the valuation of suit is less than rupees one crore). The pecuniary jurisdiction of High Court of Calcutta was enhanced in 2013 from Rs. 10 lakhs to INR 1 crore and in case of High Court of Madras, it was increased to INR 25 lakhs in 2010.

An increase in pecuniary jurisdiction does not lead to any additional burden on account of court fee on the litigating parties, nor loss of revenue to Government. However, fee of advocate is usually lesser in the district courts as compared to that of advocates in high courts. It makes it convenient to litigants in terms of access, costs, speedier disposal of cases and an opportunity to file an appeal in the High Court.

We recommend the following, in line with the recommendations of Natchiappan Committee (72 report on The Delhi High Court Amendment Bill, 2014) to lighten the burden on the high courts significantly:

1. Parliament should bring in uniformity in the pecuniary jurisdiction of all high courts in the country.
2. All district courts in the country including the city civil courts in metropolitan cities of Mumbai, Kolkata, Chennai and Delhi need to be given unlimited pecuniary jurisdiction.
3. High Courts should only have appellate jurisdiction in ordinary civil matters and original writ jurisdiction.