

(1962) 01 MP CK 0030
In the Madhya Pradesh High Court
Case No : C. Rev. No. 151 of 1961

Shravan Vastralya

APPELLANT

Vs

Har Vilas

RESPONDENT

Date of Decision : 23-01-1962

Acts Referred:

Madhya Bharat Panchayat Act, 1949 — Section 65

Citation : (1963) JLI 958

Hon'ble Judges : P.R. Sharma, J

Bench : Single Bench

Advocate : G.P. Patantar, for the Appellant; T.N. Sexena, for the Respondent

Final Decision : Dismissed

Judgement

P.R. Sharma, J.—This revision petition is directed against the order dated the 9th of August, 1961 passed by the Small Cause Court Judge Morena, in Small Cause Suit No. 27 of 1960.

2. The facts material for the disposal of this revision application are that the Defendant Damodarprasad, acting as a manager of his joint family, purchased cloth from the firm belonging to the present Petitioner situate at Morena. All the Defendants are admittedly residents or village Jauri where there is a Nyaya Panchayat.

3. The suit was for recovery of a sum of money not exceeding Rs. 100. The suit would, therefore, fall within the ambit of Clause (1) of Section 67 of the Madhya Bharat Panchayat Act and the jurisdiction of the Nyaya Panchayat would extend to the present suit. Section 65 of the M. B. Panchayat Act runs as under:

S. 65 Other Civil and Criminal powers:

Notwithstanding anything contained in any Act for the time being in force in the United States such civil or criminal suits or cases which are in the jurisdiction of Nyaya Panchayat under this Act shall be instituted before that Nyaya Panchayat

in whose jurisdiction the Defendant or any of the Defendants, where they are more than one, ordinarily resides or the offence is committed.

On a publication of notification in Gazette a Nyaya Panchayat will be competent to hear any suit or case under any other Act.

The words ""notwithstanding anything contained in any Act for the time being in force" would clearly include within their scope the provisions of the CPC governing territorial jurisdiction of Courts. The result would thus appear to be unavoidable that where a civil suit or a criminal case is by virtue of the provisions of Section 67 within the jurisdiction of a Nyaya Panchayat the suit can be filed only before the Nyaya Panchayat within whose jurisdiction the Defendant or any of the Defendants, where there are more than one, ordinarily resides or the offence is committed. The general provisions regarding jurisdiction of civil and criminal Courts will have no application to cases to which Section 67 of the M. B. Panchayat Act applies. The mere fact that there is a Municipality at Morena and therefore, the provisions of the Panchayat Act will have no application to that place, can have no bearing on the interpretation of the express provisions contained in Section 65 of the Panchayat Act. Such a consideration would have arisen only if there had been a Municipality at the place or residence of the Defendants in the present case.

4. I am, for the reasons stated above, of the opinion that the trial Court rightly held that the present suit was triable exclusively by the Nyaya Panchayat at Jauri.

5. This revision application has, therefore, no force and is hereby dismissed with costs.