

the judicial process was in fact helping society by exposing the lapses of prosecution.

Inasmuch as there is strong independent Judiciary, it is opined that there is no need for fear the press influence.

“The media is the friend of everybody. There have been instances where the media has produced clinching evidence to help the prosecution in several cases.”

A Supreme Court Judge while complimenting the role of the media in various spheres, however, said publication of details

pertaining to the alleged criminal activities of a suspect even before the commencement of a trial was not advisable in the interest of a fair trial. It is submitted that in spite of independent Judiciary that conducting Trial by media and sensationalizing the matters connected with the criminal case is not conformity with the morality of journalism<sup>12</sup>.

### **Conclusion:**

When a matter is sub-judice, criminal case should not be over exaggerated by the media. A law to regulate such investigative journalism is undoubtedly the need of the hour.

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## **JURISDICTION OF COURTS OF SMALL CAUSES VIS-À-VIS CIVIL COURTS**

*By*

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Under the Provincial Small Causes Courts Act 1887 (Act No.9 of 1887), it is said under Section 15(1) that a Court of Small Causes shall not take cognizance of suits specified in the second schedule as suits excepted from the cognizance of a Court of Small Causes. In the said second schedule there are 1 to 43 A Articles. In these Articles, Article (8) is the subject-matter, which is as follows :

“(8) a suit for the recovery of rent, other than house-rent, unless the Judge of the Court of Small Causes has been expressly invested by the State Government with authority to exercise jurisdiction with respect thereto”.

2. We have also to see Section 16 of the Act to understand the exclusive jurisdiction of a Court of Small Causes, which is extracted hereunder.

“Section 16. Exclusive jurisdiction of Courts of Small Causes :—Save as expressly provided by this Act or by any other enactment for the time being in force, a suit cognizable by a Court of Small Causes shall not be tried by any other Court having jurisdiction with the local limits of the jurisdiction of the Court of Small Causes by which the suit is triable.”

3. So from a reading of the above two sections and Article 8 of the Second Schedule, the following points are crystal clear :

- (a) A suit for recovery of house-rents is cognizable by a Court of Small Causes only and civil Court has no jurisdiction;
- (b) A suit for recovery of any rent, for example, rent of agricultural land, is

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12. It was coated in Hindu News Paper on 3rd September, 2006

not cognizable by a Small Causes Court, but, such a suit is also cognizable by a Small Causes Court, if the Judge of the Small Causes Court has been expressly invested by the State Government with authority to exercise jurisdiction with respect thereto.

4. Way back in the year 1888, the then Madras Government issued in the Fort St. George Gazette notification, dated 24.1.1888, in exercise of their specific power given to them under Article (8) of the Second Schedule of the Provincial Small Causes Courts Act, 1887 (Act 9 of 1887), which is as follows :

“No.34 :—With reference to Article (8) of the Second Schedule appended to the Provincial Small Causes Courts Act 1887, the Right Honourable the Governor in Council is pleased to invest all subordinate Judges and District Munsifs within the presidency of Fort St. George with power to try on the Small Cause side of their Courts all suits for rent arising within the local limits and falling within the pecuniary limits, of their special jurisdiction.

This notification will take effect from the 1st day of February, 1888”.

5. In 1984, His Lordship Mr. *Kodandaramayya*, J., considered the question whether the suit for recovery of rent on agricultural land can be taken cognizance of by the Court of Small Causes in *Rupulayya v. Annaji Rao* reported in 1984 (1) ALT 84. The learned Judge made a reference to the above notification dated 24.1.1888 and came to the conclusion that Small Causes Court had jurisdiction to entertain such a suit. In that judgment, His Lordship Mr. *Kodandaramayya*, J., referred to a Division Bench decision of the Madras High Court reported in AIR 1928 Mad. 21.

The Division Bench referred to the said notification and held that the effect of Article

(8) of the Second Schedule of Act No.9 of 1887, read with the notification dated 24.1.1888, is to exclude all such rent suits from second schedule and to make them cognizable by a Court of Small Causes. Thus, it is clear that in Madras presidency, long long ago the notification under Article (8) of Act No.9 of 1887 was made empowering the Small Causes Courts in composite Madras State to try rent suits. Under the said notification dated 24.1.1888, all subordinate Judges and District Munsifs are empowered to exercise jurisdiction in respect of rent matters on their Small Cause side.

6. It is to be particularly noted that in the said notification dated 24.1.1888, the District Judges were not empowered to exercise jurisdiction in respect of rent matter on their Small Cause side as the District Judges had no original jurisdiction till recently. The District Munsifs used to have original jurisdiction upto Rs.500/- only in the initial stages and the Sub-ordinate Judge used to have jurisdiction in respect of any amount above Rs.500/-. This used to be amended from time to time and in 1972, the pecuniary jurisdiction of District Munsif was used to be upto Rs.10,000/- and the Sub-Judge, and District Judge, upto any amount above Rs.10,000/-. Thereafter, in 1984, the jurisdiction of the District Munsif was raised upto twenty thousand rupees and that of the District Judge and Sub-ordinate Judge was used to be upto any amount above twenty thousands. Subsequently, for the 1st time, the District Judge had been vested with jurisdiction of suits, whose value exceeds five lakhs and the Sub-ordinate Judge had been vested with jurisdiction of suits, whose value exceeds fifty thousand rupees but does not exceed five lakhs of rupees and the District Munsif had been vested with power upto fifty thousand rupees. In the year 2000, the pecuniary jurisdiction of the District Judge was above ten lakhs of rupees, the Senior Civil Judge upto ten lakhs and that of the Junior Civil Judge was extended upto one

lakh. So, as on today, the Junior Civil Judge has got pecuniary jurisdiction upto one lakh rupees, the Senior Civil Judge upto ten lakhs and above one lakh rupees and that of the District Judge, above ten lakhs of rupees under Section 16 of A.P. Civil Courts Act 1972 (Act 19 of 1972). In Section 24 of A.P. Civil Courts Act, 1972, it is said that the High Court may, by notification, invest any District Judge or Subordinate Judge with the jurisdiction of a Judge of Court of Small Causes for the trial of suits cognisable by such Courts upto the amount of ten thousand rupees and the Junior Civil Judge with such jurisdiction upto four thousand rupees.

7. In the back drop of the pecuniary jurisdiction of various civil Courts, the points that are intended to be focussed in this Article are :

- (a) Can it be said that there cannot be suits of Small Cause nature whose money value is more than ten thousand rupees ?
- (b) If there are such suits of Small Cause nature whose value is more than ten thousand rupees, in which Courts such suit shall lie ?
- (c) Can it be said that, if the pecuniary value of a suit of small cause nature exceeds ten thousand rupees, the nature of such a suit *ipso facto* loses its characteristic feature of being a Small Cause suit and becomes one, other than the suit of small cause nature, so that it can be filed in a Civil Court, which has got pecuniary jurisdiction of such claim so that it can be tried as a regular suit on the original side of the said civil Court ?

8. To arrive at a correct conclusion for the above questionnaire, I shall place concrete facts before the reader.

9. In the second schedule of The Provincial Small Causes Courts Act, Article (8) may be perused. It is as follows :—

The Second Schedule Suits excepted from the cognizance of a Court of Small Causes

(See Section 15)

- (1).....;
- (2) .....
- (3) .....
- (4) .....
- (5) .....
- (6) .....
- (7) .....
- (8) a suit for the recovery of rent, other than house-rent, unless the Judge of the Court of Small Causes has been expressly invested by the State Government with authority to exercise jurisdiction with respect thereto;

So, it is clear that a suit for recovery of house-rents is cognizable by a Court of Small Causes only and no civil Court has jurisdiction to entertain a suit for recovery of house rent, whether the rent is a single rupee or a crore of rupees.

It is also crystal clear from Article (8) of the said Act, in respect of a suit for recovery of arrears of any other rent, say, rent of a tenant of an agricultural land payable by a tenant to his landlord, ordinarily civil Court has got jurisdiction—may be the Court of Junior Civil Judge, Senior Civil Judge or District Judge, depending upon the value of such suit; but, this right of the civil Court can be taken away by the State Government by virtue of a notification issued by them under Article (8) of Second Schedule of Provincial Small Causes Act, 1887. As a matter of fact, way back in 1888, the then Government specifically promulgated a notification dated 24.1.1888 in the Fort St. George Gazette in exercise of their powers under Article (8) of the Second Schedule of Act No.9 of 1887, which is as follows :—

“No.34 with reference to Article (8) of Second Schedule appended to the Provincial Small Causes Courts Act 1887, the Right Honourable the Governor-in-Council is pleased to invest all Subordinate Judges and District Munsifs within the Presidency of Fort St. George with powers to try on the Small Cause side of their Courts all suits for rent arising within the local limits and falling within the pecuniary limits of their special jurisdiction. This said notification will take effect from the 1st day of February, 1888.”

The said notification was referred to by a Single Judge Mr. *Kodandaramayya*, J., in 1984 (1) ALT 84 (*Rupulayya v. Annaji Rao*), and it was held by His lordship that Small Causes Courts, so far as State of Andhra Pradesh is concerned, had jurisdiction to entertain suits for recovery of rents on agricultural lands and civil Courts have no jurisdiction at all in respect of recovery of rents on agricultural lands. This was referred and followed by His Lordship Mr. *V.V.S. Rao*, J. in *Inturi Venkaiah v. Bathineedi Rama Chandriah (died) and others* reported in 2007 (2) ALD 271 and His Lordship, in Column No.2 of page 276 in the said reported judgment, held as follows :—

“.....Therefore, this Court feels compelled to follow the ratio in *Rupulayya*'s case (supra), especially, when this Court has already sent for and got a copy of the original notification issued on 24.1.1888 in the Fort St. George Gazette. It must therefore be held that all the Courts of Small Causes in Andhra Pradesh duly invested and duly constituted with the powers by Government notification referred to hereinbefore, are competent to entertain suits for recovery of rents in relation to agricultural lands and there cannot be any bar.”

So, from the above discussion, it can be said in the affirmative that there are cases of Small Cause nature, whose money value is

more than Rs.10,000/- (Ten thousand rupees); for example, a claim by a house-owner for his rents from the tenant, which is more than ten thousand rupees.

10. Now, the second question that arises for consideration is, if there are suits of Small Cause nature whose money value is more than ten thousand rupees, in which Court such suit shall be filed. In the above stated example, the arrears of house rents is more than ten thousand rupees. Admittedly, a suit for house rents must be filed in a Court of Small Causes; but, the pecuniary jurisdiction of a Senior Civil Judge on the Small Cause side is upto ten thousand rupees only. So, it suggests apparently that, as the pecuniary jurisdiction of a Senior Civil Judge on the Small Cause side is ten thousand rupees a suit for arrears of house rent which is more than ten thousand rupees cannot be filed in the Court of Senior Civil Judge-cum-Small Cause Judge and so such a suit can be filed in a Junior Civil Judge's Court on his original side, as his pecuniary jurisdiction is upto one lakh rupees. But, this proposition is not maintainable, as the nature of the claim is “House rent” but not any amount under a negotiable instrument or under a contract. Article (8) of Act 9 of 1887 is a bar for filing a suit for house rents in a civil Court whether such amount is one rupee or one crore. The characteristic feature of “house rent” is singular to itself and, though it appears to be a money-claim, it is a claim for house-rent, which must be adjudged by a Court of Small Causes only and not by a civil Court. This complexity can easily be understood for solvation, if we refer to the notification dated 24.1.1888 issued by the then British Government and notified in St. Fort George Gazette, which says that Sub-ordinate Judges and District Munsifs shall act as Small Cause Judges, depending upon their pecuniary jurisdictions. It means that, if a matter is to be adjudged in a Court of Small Causes only, it must be adjudged by the Sub-ordinate Judge or District Munsif, depending upon the pecuniary value of the suit claim. We

have to understand Section 24 of A.P. Civil Courts Act, 1972 (Act 19 of 1972), when it says that the jurisdiction of the Sub-ordinate Judge on the Small Causes side is upto ten thousand rupees and of the Junior Civil Judge is four thousand rupees, that the Sub-ordinate Judge or Junior Civil Judge, sitting as a Judge of Small Causes can exercise such jurisdiction in respect of any other money claims like, amounts due under negotiable instruments or under any contract but not in respect of arrears of house rent. So, to recover arrears of house-rent, one has to file a suit on the Small Cause side of Junior Civil Judge upto one lakh rupees, Senior Civil Judge upto ten lakhs and above one lakh and District Judge, above ten lakhs of rupees. This conclusion is arrived at according to my interpretation of a more than century old notification dated 24.1.1888, which notification was referred and accepted by A.P. High Court in 1984 (1) ALT 84 and also in 2007 (2) ALD 271.

11. Now coming to the third question raised by me in para (6), to wit, “Can it be said that, if pecuniary value of a suit of Small Cause nature exceeds ten thousand rupees, the nature of such a suit *ipso facto* loses its characteristic feature of being a Small Cause suit and becomes one, other than the suit of Small Cause nature, so that it can be filed in a civil Court, which has got pecuniary jurisdiction of such claim, so that it can be tried as a regular suit on the original side of the said civil Court ?” is to be answered, in my humble view, in the negative.

12. In 2007 (2) ALD 271, the suit claims are Rs.5,397.40 Np and Rs.5,400, but not above ten thousand rupees. So, the said decision, having referred to Section 24 of A.P. Civil Courts Act, 1972, cannot, in my humble opinion be made applicable to agricultural rents which are more than ten thousand rupees.

13. So, it is my endeavour to focus the jurisdiction of Courts of Small Causes vis-à-vis Civil Courts in respect of claims that arise

under Article (8) of Second Schedule of Provincial Small Causes Courts Act, 1887 (Act 9 of 1887); Article (8) deals with rents of two different categories, namely, rents relating to house rents and rents not relating to house rents. So far as rents relating to house rents is concerned the said Article (8) is very clear to proclaim that suits for house rents are not exempted from the provisions of Act 9 of 1887, and, as such, such suits for recovery of house-rent amounts must be filed only in the Small Causes Courts and Civil Courts have no jurisdiction under Section 16 of Act 9 of 1887, coming to rents not relating to house rents, it sounds that civil Court has jurisdiction and not a Small Causes Court but, there is a qualifying phrase, to wit, unless the Judge of the Court of Small Causes has been expressly invested by the State Government with authority to exercise jurisdiction with respect thereto. There is notification under Article (8) issued on 24.1.1888; which was referred above, whereunder the Sub-ordinate Judge and the District Munsifs are authorised to act as Judges of Small Causes Courts in respect of agricultural rents and there is no limitation in respect of pecuniary quantum in the said notification. So, this notification – which is still in force, as it was referred and followed by A.P. High Court in the decisions already stated above, empowers all Sub-ordinate Judges and Junior Civil Judges to exercise their rights on the Small Cause side upto the pecuniary limits, which they had on the original side.

14. In this context, it will be of much assistance to understand as to what is meant by suits cognizable by Court of Small Causes, if one refers to Section 6 of A.P. (T.A) Small Causes Courts Act 1330F (Act No.VI of 1330F) which is as follows :

“6. *Suits cognizable by Court of Small Causes.*—

(1) A Court of Small Causes shall take cognizance of money suits out of a contract other than a contract of marriage, where the value of the suit does not exceed one thousand rupees.



But, the Government may at the instance of the High Court empower such Court to try suits the value of which is upto two thousand and five hundred rupees.

Provided that a Court of Small Causes shall not take cognizance of any suit in which any immovable property or a right therein is affected by a decree.

(2) No suit against Government shall be cognizable by a Court of Small Causes”

So, from this Act, it is clear that only money suits are cognizable by Small Causes Court and any suit relating to immovable property is excluded.

15. I want to conclude by making the following aspects relating to rents and other money suits and to the Courts in which they should be filed:

- (a) A suit for recovery of house rent must be filed in a Junior Civil Judge Court on the small cause side upto one lakh rupees.
- (b) A suit for recovery of house rents must be filed in a Senior Civil Judge’s Court on the small cause side if it is above one lakh rupees and below ten lakhs of rupees;
- (c) A suit for recovery of house-rents must be filed in a District Judge’s Court on the small cause side, if it is more than ten lakhs of rupees.
- (d) A simple money suit like a suit on a promissory note or a cheque or any other contract not relating to immovable property must be filed in the Junior Civil Judge’s Court on the Small Cause side, if the money claim is upto four thousand rupees;
- (e) A simple money suit like a suit on a promissory note, cheque or any contract not relating to immovable property must be filed in Senior Civil Judge’s Court on the Small Cause side, if the money claim is above four thousand rupees and below ten thousand rupees;
- (f) A simple money claim like a suit on a Promissory Note Cheque or on any contract relating or not relating to any immovable property must be filed in a Junior Civil Judge’s Court on its original side, if the money claim is above ten thousand rupees and less than 1 lakh rupees.
- (g) A simple money claim like a suit on a Promissory Note a Cheque or any contract relating or not relating to any immovable property must be filed in a Senior Civil Judge’s Court on its original side, if the money claim is more than one lakhs of rupees and less than ten lakhs of rupees;
- (h) A simple money claim like a suit on a promissory note, cheque or any contract, relating to or not relating to immovable property, must be filed only in the District Judge’s Court on his original side, if the money claim is above ten lakhs of rupees;
- (i) Any suit for recovery of rent – the rent may be one relating to house rents or any other rent relating to agricultural lands, vacant lands, fishery rights, ferry rights, tolls, rents relating to the use of a motor vehicle and, in general, any rent recoverable from any movable or immovable property – shall be filed only in a Small Causes Court depending upon the quantum of amount to be recovered in the appropriate Court having pecuniary jurisdiction in the State of Andhra Pradesh right from 1887 itself, inasmuch as the effect of the notification dated 24.1.1888 is to delete Article (8) from the Act 9 of 1987 with effect from 24.1.1887 itself.