**APPLICATION UNDER SECTION 9 OF THE CODE OF CIVIL PROCEDURE**

IN THE COURT OF THE MUNSIF....................

Civil Misc. Application No..................... of 19....................

Under Section 9 of the Code of Civil Procedure

in

Original Suit No..................... of 19....................

A. B.................................................................... Plaintiff

*versus*

C. D................................................................ Defendant

Sir,

The defendant most respectfully submits as follows: —

1. That the plaintiff has filed an application under Section 6(2) of the Rajasthan Relief of Agriculturist Indebtedness Act of 1957 for determination of debt outstanding against AB who is ordinarily residing in village.................... Tehsil .................... district.................... which falls within the jurisdiction of the Munsif, .................... and not within the jurisdiction of this learned court.

2. That the learned Court has no jurisdiction to decide the matter and it is expedient in the interests of justice that the plaint may be returned to the plaintiff for presenting in the proper court having jurisdiction if he so chooses.

**PRAYER**

It is, therefore, most respectfully prayed that your Honour may be pleased to return the plaint to the plaintiff, this Court having no jurisdiction to decide the suit.

Defendant

Dated.................... Through

Counsel

**CASE LAW**

***Section 9***

**COURT — ESSENTIALS**

In order to constitute a Court in the strict sense of the term, an essential condition is that the Court should have, apart from having some of the trappings of a judicial tribunal, power to give a decision or a definitive judgement which has Finality and Authoritativeness which are the essential tests of a judicial pronouncement.

***Section 9***

**STATUTE GIVING FINALITY TO DECISION OF SPECIAL TRIBUNAL**

Where a statute gives finality to the orders of the special tribunals jurisdiction of the civil Courts must be held to be excluded if there is adequate remedy to do what the civil Courts would normally do in a suit.

***Section 9***

**JURISDICTION OF CIVIL COURT**

Under Section 9, CPC, the Courts shall, subject to the provisions contained therein, have jurisdiction to try all suits of civil nature excepting suits cognizance of which is either expressly or impliedly barred.

1. P. Sarathy v. State Bank of India, AIR 2000 SC 2023.

2. State of Andhra Pradesh v. Manjeti Laxmi Kantha Rao, AIR 2000 SC 2220.

3. Easwaramoorthy Velar v. Parvathathammal, 2001 (1) CCC 69 (Mad. )