

**IN THE COURT OF ADDL. DISTRICT & SESSION JUDGE,
AIZAWL JUDICIAL DISTRICT, AIZAWL**

Declaratory Suit No. 11/2014

Sanglura : Petitioner

Versus

1. Asst. General Manager,
SBI Babutlang Branch
2. Chief Manager,
SBI Mission Veng Branch : Respondents

Date of Order : **10.04.2014**

BEFORE

Smt. Helen Dawngliani, AD& SJ

ORDER

Received the Case Record of Declaratory Suit No. 11 of 2014 on being endorsed by the Id. District Judge for disposal.

Upon perusal of the Complaint along with its enclosures, it is noticed that the Suit is for Declaration to the effect that the Defendants are liable to accept and process the application of the Plaintiff for availing Loan for Tyres Re-Treading Industry/Unit Centre under the Credit Guarantee Fund Scheme for Micro and Small Enterprises.

Depending on the prayer made in the complaint, the Suit has been registered as Declaratory Suit. At paragraph 13 of the complaint, the Suit has been valued at Rs. 41.70 lakhs. Section 13 of the Mizoram Civil Courts Act, 2005 provides that the Court of District Judge shall be deemed to be the Principal Civil Court of Original Jurisdiction within the local limits of its jurisdiction. Section 14 of the said Act provides that the jurisdiction of the Court of Senior Civil Judge shall extend to all Original Suits and proceedings of civil nature the value of the subject matter of which exceed Rs. 2 lakhs or such other sum as the High Court may from time to time specify. Section 21 of the said Act provides that the CPC shall be followed in spirit in all the Civil Courts. Section 17 of the Act provides

that an Appeal shall lie to be the Court of the District Judge when the subject matter of the Original Suit is less than Rs. 5 lakhs.

Section 15 CPC provides that every Suit shall be instituted in the Court of the lowest grade competent to try it.

Considering the provisions of the Mizoram Civil Courts Act as well as Section 15 CPC, this Court not being the lowest grade competent to try the Suit, let the matter be placed before the Id. District Judge for re-consideration.

Sd/- HELEN DAWNGLIANI
Addl. Dist & Sessions Judge,
Aizawl Judicial District: Aizawl

Memo No:/AD & SJ/2014 : Dated Aizawl, the 10th April, 2014
Copy to: -

1. Sanglura through Counsel Mr. C. Lalramzauva, Advocate.
2. District & Sessions Judge, Aizawl Judicial District, Aizawl.
3. Registration Section.
4. Guard File
5. Case Record.

P E S H K A R