

[PRINT / DOWNLOAD PDF](#)

[In Dhulabhai and Ors. vs. The State of Madhya Pradesh and Anr.](#) : AIR 1969 SC 78, the Court discussed the ambit of S.9 of the [cpc](#) and laid down the following principles:

“(1) Where the statute gives a finality to the orders of the special tribunals the Civil Court's [jurisdiction](#) must be held to be excluded if there is adequate remedy to do what the Civil Courts would normally do in a suit. Such provision, however, does not exclude those cases where the provisions of the particular Act have not been complied with or the statutory tribunal has not acted in conformity with the fundamental principles of judicial procedure.

(2) Where there is an express bar of the jurisdiction of the court, an examination of the scheme of the particular Act to find the adequacy or the sufficiency of the remedies provided may be relevant but is not decisive to sustain the jurisdiction of the civil court.

Where there is no express exclusion the examination of the remedies and the scheme of the particular Act to find out the intendment becomes necessary and the result of the inquiry may be decisive. In the latter case it is necessary to see if the statute creates a special right or a liability and provides for the determination of the right or liability and further lays down that all questions about the said right and liability shall be determined by the tribunals so constituted, and whether remedies normally associated with actions in Civil Courts are prescribed by the said statute or not...”

Tags: [CPC S. 9](#)