

**IN THE MAGISTRATES COURT AT NADI
CIVIL JURISDICTION**

Civil Case No. 47 of 2024

BETWEEN : VIMAL DEO

Plaintiff

AND : PRAJEET SINGH

Defendant

**Nexus Legal for the Plaintiff
No appearance by the Defendant**

RULING

This is the Plaintiff's claim filed on 29 April 2024.

It's a claim for \$41, 310.81 for rental arrears, damages for breach of agreement, costs on solicitor/client indemnity basis and interest.

The court notes that the claim is not limited to \$50,000, being the jurisdiction of the Magistrates Court.

The relevant section that deals with the jurisdiction of the Magistrate's Court is section 16 (i) (b) (ii) (as amended) of the Magistrate's Court Act which states:

" in all other personal suits, whether arising from contract, or from tort, or from both, where the value of property or the debt, amount or damage claimed whether as a balance claimed or otherwise, is not more than fifty thousand dollars".

The Court notes that the Statement of Claim exceeds the jurisdiction of the Magistrates Court in that the Plaintiff has failed to limit the claim to the jurisdiction of the Court.

The Plaintiff is not entitled to claim damages, costs and interest to an unspecified amount. He must state the amount of his claim in order that it may be seen to be within the jurisdiction of the Court.

Once a Writ has been issued in a Magistrate Court in excess of its jurisdiction the only order the court can make is to strike out the case for want of jurisdiction as decided in the case of **Ram Khelawan v Budh Ram (13 FLR) 196.**

The Plaintiff is at liberty to refile the claim in the Magistrates Court but to limit the claim within the jurisdiction of the Court.

Therefore it is the orders of this Court that:

1. This case is struck out and dismissed for want of jurisdiction; and
2. There will be no order as to costs.

28 days to appeal.

Setavana Saumatua

Setavana Saumatua
Resident Magistrate
21 October, 2024

