

1948

Present : Howard C.J.

VALLIAMMAI, Appellant, and KANDIAH *et al.*, Respondents.

S.C. 209—C. R. Point Pedro, 380.

*Village Tribunals—Exclusive jurisdiction—Dispute as to immovable property—Ordinance No. 12 of 1945, Sections 12 and 19.*

Section 19 (1) of the Village Tribunals Ordinance, No. 12 of 1945, takes away from a Village Tribunal the exclusive jurisdiction conferred by section 12 if the case is one in which the title to or interest in or right to the possession of any land or immovable property is in dispute.

**A**PPPEAL from a judgment of the Commissioner of Requests, Point Pedro.

*H. W. Tambiah*, with *S. Sharvananda*, for the plaintiff, appellant.

*V. Joseph*, for the defendants, respondents.

April 22, 1948. HOWARD C.J.—

In this case I cannot agree with the interpretation which the learned Commissioner has placed on sections 12 and 19 (1) of the Village Tribunals Ordinance, No. 12 of 1945. Section 12 is worded as follows :—

“Subject to any special provision relating to jurisdiction contained in this or any other Ordinance, the jurisdiction conferred by this Ordinance on Village Tribunals shall be exclusive, and cases within that jurisdiction shall not be entertained, tried or determined by any court established under the provisions of the Courts Ordinance.”

Section 19 (1) is worded as follows :—

“The jurisdiction of a Village Tribunal to try any case in which the title to or interest in or right to the possession of any land or immovable property is in dispute shall not be exclusive notwithstanding that the value of the land or immovable property or the particular share, right or interest in dispute does not exceed one hundred rupees.”

The words “shall not be exclusive” are quite clear and it is obvious that the jurisdiction of Village Tribunals in particular cases is not exclusive. It has been argued that all the sub-sections of section 19 should be read together. I do not think that this makes any difference to the interpretation which I have placed on this section. The remaining sub-sections 2, 3 and 4 of section 19 make provision in a case where the Village Tribunal is asked by the plaintiff to exercise its jurisdiction where the value of the land or immovable property or the particular share, right or interest in dispute does not exceed one hundred rupees.

For the reasons I have given the order of the Commissioner is set aside and the case will be remitted for hearing. The appellant will have the costs of this appeal.

*Appeal allowed.*