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**(English Only)** By. A.V. Kushwaha

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**(87, Sulem Sarai, Prayagraj, Uttar Pradesh)**

**( Contact No. 7355504435)**

**If you are not upgrading, you are  
downgrading.**

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**NOTE:** Today's dictation has been provided with punctuation as is being dictated in Allahabad High Court Skill Test. (Very important latest created passage for Supreme Court/High Court/District Court/Tribunal etc. related skill tests apart from speed building).

(For Govt. Jobs, SSC (Group D & C), Supreme Court, High Court, District Courts, ASRB, CRPF, Railway, CBSC & all

**Topic: Transfer Jurisdiction of Courts**

## Volume 1: Dictation No. 6

**Note:** Outlines of all highlighted words/phrases are given at the end of the passage. Adopt all better outlines than yours..

A conjoint reading of Sections 22, 23 and 24 CPC reveals that the Code contemplates a structured framework governing the transfer of civil proceedings. Section 22 recognises the right of a defendant to seek transfer where the suit could have been instituted in more than one court. Section 23 determines the forum before which such an

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application is to be presented, with reference to the appellate hierarchy governing the courts concerned. Section 24, on the other hand, confers upon the High Court and the District Court the substantive power to transfer or withdraw proceedings pending before subordinate courts.

The scheme of the Code thus indicates that the jurisdiction relating to transfer of proceedings is not merely territorial in character, but is intrinsically linked to the appellate and supervisory hierarchy governing subordinate courts. The provisions emphasise the relationship of subordination between the High Court and the courts over which it exercises appellate control. It is, therefore, evident that the power of transfer under Section 24 CPC is exercised by the High Court in its capacity as a superior court exercising supervisory and appellate jurisdiction over subordinate courts within the State.

Section 23 CPC does not itself confer the power of transfer; it merely identifies the forum before which an application invoking such power is to be instituted. The source of the power is Section 24 CPC. In **Durgesh Sharma vs. Jayshree, (2006) SCC 1 278** a distinction has been drawn between provisions which confer substantive power and those which regulate procedure, holding that Section 23 does not vest any authority to order transfer, but operates only as a procedural mechanism indicating

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the appropriate forum for an application under Section 22. The scope and amplitude of the power under Section 24 CPC have been further elucidated in Shah Newaz Khan vs. State of Nagaland, (2004) SCC 4 147. Substantive source of the power of transfer thus lies in Section 24 CPC. To construe Section 23 as a source of such power would distort the legislative scheme and trench upon the express conferment of authority under Section 24. The ratio of the decisions noticed above reinforces that provisions relating to forum and procedure must not be conflated with those conferring substantive jurisdiction, and that the competence of the forum must be tested with reference to the statutory scheme, rather than by attributing to Section 23 a jurisdictional character which it does not possess.

Section 24 embodies a general and wide power of transfer and withdrawal vested in the High Court, exercisable at any stage, either on the application of a party or even suo motu. The High Court may withdraw a proceeding, try it itself, or transfer it to another competent court, thereby imparting to the expression "transfer" a broad and comprehensive meaning. The provision is purposive and flexible, intended to secure the ends of justice, and ought not to be constrained by unduly narrow territorial or structural considerations. The power under Section 24 inheres in the High Court as a supervisory authority and is not to be confined

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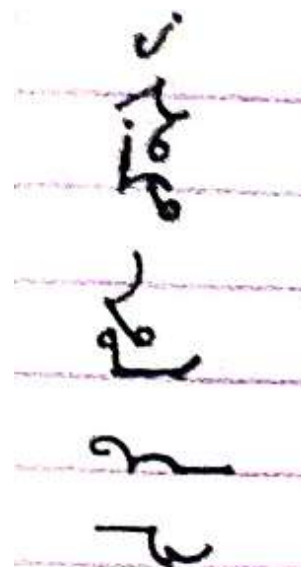
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within rigid or mechanical jurisdictional compartments.

In the State of Uttar Pradesh, the High Court exercises jurisdiction through two Benches, namely the principal seat at Allahabad and the Lucknow Bench. The territorial distribution of jurisdiction between these Benches is governed by the United Provinces High Courts (Amalgamation) Order, 1948. The said Order constitutes the High Court of Judicature at Allahabad as a single unified constitutional court, notwithstanding the amalgamation of two pre-existing courts. The effect of the Amalgamation Order is to constitute a single High Court exercising jurisdiction over the entire territory of the State. **Total Words: 602**

**Outlines of all highlighted words and phrases. Note: Adopt only those outlines which are better than yours.**

conjoint  
reveals  
contemplates  
CPC  
structured  
framework  
governing



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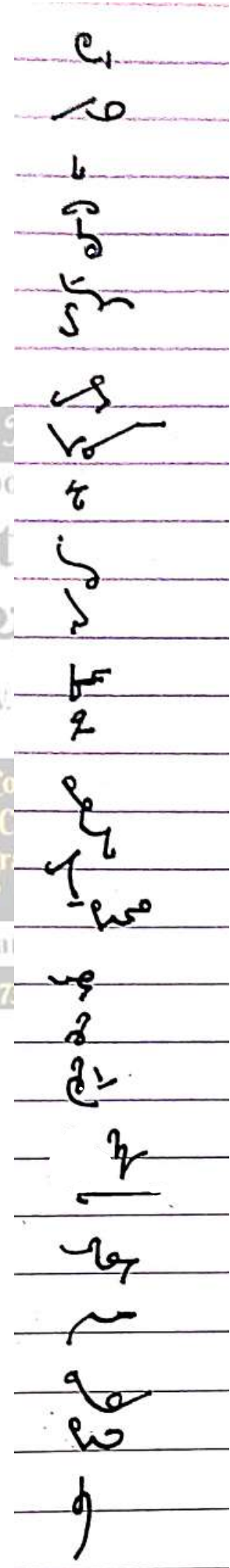
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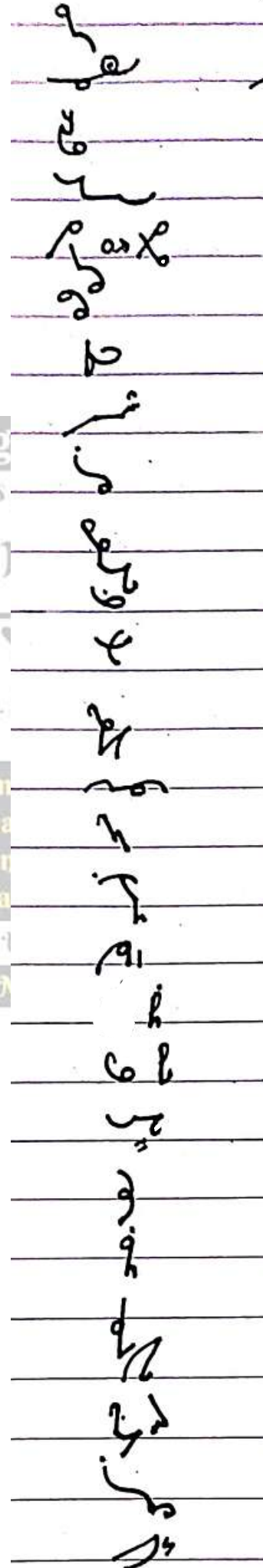
It is, therefore,



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ratio



Handwritten shorthand notes for the words listed on the left, written on lined paper. The notes are arranged vertically, corresponding to each word in the list.

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noticed  
reinforces  
provisions  
conflated  
conferring  
competence  
statutory  
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compartments.  
State of Uttar Pradesh  
exercises  
Benches,  
distribution  
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United  
Provinces  
Amalgamation  
constitutes  
High Court of  
Judicature  
notwithstanding  
amalgamation  
pre-existing  
effect  
Shah Newaz Khan



Handwritten shorthand notes for the words listed on the left, written on lined paper. The notes are arranged in a column on the right side of the page, corresponding to the words on the left. The shorthand is written in a cursive style, typical of Pitman's shorthand.

(Increase your vocabulary:

Learn New and Important Words of the Matter)

Keep revising all new words learned.

Legal/General Matter (Legal Vocabulary Building)

1. **Conjoint:** (adjective) combined together; considered jointly संयुक्त / मिलाकर
2. **Reveals:** (verb) (present tense) makes known or discloses प्रकट करना
3. **Contemplates:** (verb) (present tense) provides for or envisages within its scope परिकल्पना करना
4. **CPC:** (abbreviation) Code of Civil Procedure — the statute governing civil litigation in India दीवानी प्रक्रिया संहिता
5. **Structured framework:** (noun phrase) an organised and systematic arrangement of rules संरचित ढाँचा
6. **Governing:** (verb) (present participle) controlling or regulating नियंत्रित करना / शासन करना
7. **Civil proceedings:** (noun phrase) legal actions instituted before a civil court दीवानी कार्यवाही

- 8. Recognises:** (verb) (present tense) formally acknowledges or gives legal acceptance to मान्यता देना
- 9. Defendant:** (noun) a person against whom a legal suit is brought प्रतिवादी
- 10. Determines:** (verb) (present tense) decides or fixes निर्धारित करना
- 11. Forum:** (noun) the court or tribunal before which a legal matter is to be instituted न्यायालय / मंच
- 12. With reference to the:** (prepositional phrase) in relation to; taking into account के संदर्भ में
- 13. Appellate:** (adjective) relating to or having power to review decisions of lower courts अपीलीय
- 14. Hierarchy:** (noun) a system in which courts are ranked according to authority or status पदानुक्रम / श्रेणीक्रम
- 15. On the other hand:** (adverbial phrase) in contrast; introducing a contrasting point दूसरी ओर
- 16. Confers:** (verb) (present tense) grants or bestows a power or right प्रदान करना

- 17. Substantive:** (adjective) relating to actual rights and obligations, as distinct from procedure सारभूत / मूलभूत
- 18. Withdraw proceedings:** (verb phrase) to remove or take back a case from a court कार्यवाही वापस लेना
- 19. Subordinate courts:** (noun phrase) courts of lower rank functioning under the authority of a superior court अधीनस्थ न्यायालय
- 20. Indicates that the:** (verb phrase) shows or points out that दर्शाता है कि
- 21. Jurisdiction:** (noun) the legal authority of a court to hear and decide cases अधिकार क्षेत्र
- 22. Territorial character:** (noun phrase) the nature of being limited to a specific geographic area क्षेत्रीय स्वभाव
- 23. Intrinsically:** (adverb) essentially; by its very nature स्वाभाविक रूप से / मूलतः
- 24. Linked:** (verb) (past participle) connected or associated संबद्ध / जुड़ा हुआ
- 25. Supervisory:** (adjective) relating to oversight and control over subordinate authorities पर्यवेक्षणीय

- 26. Subordination:** (noun) the condition of being under the authority or control of another अधीनता
- 27. Superior:** (adjective) higher in rank, authority, or power उच्चतर / वरिष्ठ
- 28. Exercising:** (verb) (present participle) making use of; putting into active practice प्रयोग में लाना
- 29. Identifies:** (verb) (present tense) points out or specifies चिह्नित करना / निर्दिष्ट करना
- 30. Invoking:** (verb) (present participle) calling upon or citing a legal provision as authority लागू करना / आह्वान करना
- 31. Distinction:** (noun) a difference or contrast drawn between two things भेद / अंतर
- 32. Confer:** (verb) (base form) to grant or bestow a power or right प्रदान करना
- 33. Substantive:** (adjective) relating to essential rights and powers, not merely procedure सारभूत
- 34. Vest:** (verb) (base form) to grant or confer a right or power legally upon someone निहित करना / सौंपना

- 35.Procedural:** (adjective) relating to the rules and methods of legal practice, as opposed to rights  
प्रक्रियात्मक
- 36.Mechanism:** (noun) a system or process by which something is accomplished तंत्र / व्यवस्था
- 37.Appropriate:** (adjective) suitable or fitting for the purpose उचित / समुचित
- 38.Amplitude:** (noun) the full extent, breadth, or scope of a power or provision विस्तार / व्यापकता
- 39.Elucidated:** (verb) (past tense) explained or made clear स्पष्ट किया गया
- 40.Constitute:** (verb) to form, establish, or make up गठित करना / निर्मित करना
- 41.Vs.:** (abbreviation) versus — against; used to denote opposing parties in a legal case बनाम
- 42.SCC:** (abbreviation) Supreme Court Cases — the official law report series of the Supreme Court of India उच्चतम न्यायालय मामले (विधि पत्रिका)
- 43.Construe:** (verb) to interpret or determine the legal meaning of a provision निर्वचन करना / अर्थ लगाना

- 44. Distort:** (verb) to alter or misrepresent the true meaning or legislative intention विकृत करना
- 45. Trench upon:** (verb phrase) to encroach upon or infringe अतिक्रमण करना
- 46. Conferment:** (noun) the act of formally granting or bestowing a power or right प्रदान करने की क्रिया / अनुदान
- 47. Ratio:** (noun) short for ratio decidendi — the legal principle or reasoning forming the basis of a court's decision निर्णय का सिद्धांत / विधिक अनुपात
- 48. Reinforces:** (verb) (present tense) strengthens or confirms पुष्टि करना / सुदृढ़ करना
- 49. Provisions:** (noun) specific clauses or sections within a statute उपबंध / प्रावधान
- 50. Conflated:** (verb) (past participle) incorrectly merged or confused as being the same एक समझ लेना / मिला देना
- 51. Conferring:** (verb) (present participle) granting or bestowing प्रदान करते हुए
- 52. Competence:** (noun) the legal authority or qualification of a court to deal with a matter सक्षमता / अधिकारिता

- 53. Statutory:** (adjective) enacted by or relating to a statute or legislation वैधानिक / विधिक
- 54. Attributing:** (verb) (present participle) ascribing or assigning a quality or character to something आरोपित करना / मानना
- 55. Jurisdictional:** (adjective) relating to or concerning the jurisdiction of a court अधिकार क्षेत्र संबंधी
- 56. Embodies:** (verb) (present tense) gives concrete expression to; contains within itself समाहित करना / मूर्त रूप देना
- 57. Withdrawal:** (noun) the act of removing or taking back a case from a court वापसी / निकासी
- 58. Vested:** (verb) (past participle) conferred upon or legally settled in someone निहित / प्रदत्त
- 59. Exercisable:** (adjective) capable of being exercised or put into operation प्रयोग में लाने योग्य
- 60. At any stage:** (adverbial phrase) at any point during the course of legal proceedings किसी भी चरण में
- 61. Competent:** (adjective) having the requisite legal authority or qualification सक्षम / अधिकार-सम्पन्न

- 62.Expression:** (noun) a word or phrase used in a legal provision; its operative meaning अभिव्यक्ति / पद
- 63.Comprehensive:** (adjective) wide in scope; covering all aspects व्यापक / सर्वसमावेशी
- 64.Broad:** (adjective) wide in range or extent; not narrow विस्तृत
- 65.Purposive:** (adjective) directed towards achieving a specific object; in statutory interpretation, giving effect to the purpose of the law उद्देश्यपरक
- 66.Flexible:** (adjective) adaptable to varying situations; not rigid लचीला
- 67.Intended:** (verb) (past participle) designed or meant for a specific purpose अभिप्रेत / उद्देशित
- 68.To secure:** (verb phrase) to ensure or bring about सुनिश्चित करना / प्राप्त करना
- 69.Ends of justice:** (noun phrase) the ultimate goals and purposes that the justice system seeks to achieve न्याय के उद्देश्य / न्याय के लक्ष्य
- 70.Ought not to be:** (modal verb phrase) should not be; must not be नहीं होना चाहिए

- 71. Constrained:** (verb) (past participle) restricted or limited प्रतिबंधित / सीमित
- 72. Unduly:** (adverb) excessively; to a degree that is not warranted or appropriate अनुचित रूप से / अत्यधिक
- 73. Narrow:** (adjective) limited in scope or application; restrictive संकीर्ण / संकुचित
- 74. Territorial:** (adjective) relating to or confined to a specific geographic territory क्षेत्रीय
- 75. Structural considerations:** (noun phrase) factors arising from the organisation or framework of the court system संरचनात्मक विचार
- 76. Inheres:** (verb) (present tense) exists as an inherent or inseparable quality अंतर्निहित होना / निहित होना
- 77. Supervisory authority:** (noun phrase) the power vested in a superior court to oversee and control subordinate courts पर्यवेक्षणीय प्राधिकार
- 78. Confined:** (verb) (past participle) restricted or limited to a particular scope सीमित / परिसीमित
- 79. Rigid:** (adjective) not flexible; strictly fixed; incapable of adaptation कठोर / अनम्य

- 80. Mechanical:** (adjective) applied in a routine or inflexible manner without regard to broader purpose  
यांत्रिक ढंग से
- 81. Compartments:** (noun) distinct and separate divisions or sections खंड / डिब्बे
- 82. Benches:** (noun) the seats or divisions of a High Court, located at different places, through which its unified jurisdiction is exercised पीठ
- 83. Distribution:** (noun) the allocation or division among different parts वितरण / बंटवारा
- 84. Governed:** (verb) (past tense) controlled or regulated शासित / नियंत्रित
- 85. United Provinces:** (noun phrase) the former name of the present State of Uttar Pradesh संयुक्त प्रांत
- 86. Constitutes:** (verb) (present tense) forms, establishes, or makes up गठित करना / स्थापित करना
- 87. High Court of Judicature:** (noun phrase) the formal legal designation of a superior court exercising original, appellate, and supervisory jurisdiction within a State न्यायालय, उच्च न्यायालय
- 88. Notwithstanding:** (preposition / conjunction) in spite of; despite के बावजूद

**89. Amalgamation:** (noun) the process of combining two or more courts or bodies into a single unified entity विलय / एकीकरण

**90. Pre-existing:** (adjective) existing before a particular event or point in time पूर्व-विद्यमान / पहले से विद्यमान

**91. Effect:** (noun) the operative result, consequence, or legal import of a provision प्रभाव / परिणाम

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Principal,

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# Accuracy Builder

## PART 1 – CAPITAL WORDS AND REASONS

### Why Some Words are Capitalised?

1. **Abbreviations** | CPC, SCC | Short forms of full names always use all capitals. Example: CPC = Code of Civil Procedure
2. **Names of People** | Durgesh Sharma, Jayshree, Shah Newaz Khan, Nasiruddin | Every person's name is always capitalized. Example: Nasiruddin vs. State Transport Appellate Tribunal
3. **Names of Places** | Allahabad, Lucknow, Nagaland, Oudh, Uttar Pradesh, United Provinces | Names of cities, states, and regions are always capitalized. Example: the principal seat at Allahabad
4. **Specific Courts and Institutions** | High Court, District Court, Supreme Court, Lucknow Bench, State Transport Appellate Tribunal | When you name a

specific court or body, it becomes a proper noun.  
Example: the High Court of Judicature at Allahabad

5. **Specific Laws, Codes and Orders** | Code, Amalgamation Order, United Provinces High Courts Amalgamation Order 1948 | Titles of specific laws and legal orders are capitalized because they are official proper names. Example: the United Provinces High Courts Amalgamation Order, 1948

6. **Specific Numbered Sections** | Section 22, Section 23, Section 24 | When "Section" refers to a specific numbered provision of a law, both the word and the number form a proper title. Example: Section 24 embodies a general and wide power

7. **The word "State":** When "State" refers to a specific government or political unit rather than a general condition, it is capitalized. Example: the authority of the High Court remains coextensive with the territorial limits of the State

8. **The word "Bench"** | Bench, Benches | When "Bench" refers to a specific, official division of a court, it is treated as a proper noun. Example: the Lucknow Bench cannot transfer a case

## PART 2 – COMMAS AND PUNCTUATION ANALYSIS

### 1. COMMA AFTER AN INTRODUCTORY PHRASE OR CLAUSE

**Rule:** When a sentence begins with a phrase or a clause that is not the main part, place a comma before the main sentence begins.

**Example 1:** In the State of Uttar Pradesh, the High Court exercises jurisdiction through two Benches... (The introductory phrase is "In the State of Uttar Pradesh." The main sentence starts after the comma.)

**Example 2:** Although the High Court sits at two places, this arrangement does not result in the creation of separate High Courts... (The introductory clause is "Although the High Court sits at two places." The main sentence follows after the comma.)

**Example 3:** Notwithstanding this position, a technical objection is at times raised by learned counsel... (The introductory phrase ends at "position," and the main sentence begins after.)

**Example 4:** On that basis, it is contended that... (Short introductory phrase ends at "basis.")

Example 5: Consequently, it is urged that... ("Consequently" is an introductory connecting word and is followed by a comma.)

Example 6: If accepted, such a submission would have the effect of confining... (Introductory conditional clause followed by the main result.)

Example 7: Once the High Court is properly seized of a transfer application in accordance with Section 23 CPC, it is competent to exercise the power... (Long introductory clause; comma separates it from the main clause.)

## 2. COMMAS AROUND AN INTERRUPTING WORD OR PHRASE

**Rule:** When a word or phrase interrupts the flow of a sentence to add a comment or transition, place commas both before and after it.

Example 1: Section 24, on the other hand, confers upon the High Court... ("on the other hand" is the interrupting phrase.)

Example 2: It is, therefore, evident that the power of transfer... ("therefore" interrupts the sentence.)

Example 3: The Benches are, therefore, only the seats through which... (Same rule applied again.)

Example 4: Such a limitation, however, is impermissible. ("however" interrupts the sentence flow.)

Example 5: the argument proceeds on the premise that, although both Benches form part of the same High Court, each Bench exercises jurisdiction only over the districts allocated to it... (The clause "although both Benches form part of the same High Court" is inserted in the middle, so it gets commas on both sides.)

### 3. COMMA BEFORE "BUT" JOINING TWO COMPLETE SENTENCES

**Rule:** When "but" joins two parts that could each be a complete sentence, a comma is placed before "but."

Example 1: ...the jurisdiction relating to transfer of proceedings is not merely territorial in character, but is intrinsically linked to the appellate and supervisory hierarchy...

Example 2: Section 23 does not vest any authority to order transfer, but operates only as a procedural mechanism...

Example 3: Such jurisdiction is not divided between the Benches as distinct sources of authority, but

inheres in the High Court as a constitutional institution.

#### 4. COMMAS IN A LIST

**Rule:** When three or more items are listed, commas separate each item.

**Example 1:** The High Court may withdraw a proceeding, try it itself, or transfer it to another competent court... (Three actions listed: withdraw / try / transfer.)

**Example 2:** ...exercisable at any stage, either on the application of a party or even suo motu. (Comma before the two options given.)

**Example 3:** The provision is purposive and flexible, intended to secure the ends of justice, and ought not to be constrained... (Three qualities of the provision listed.)

#### 5. COMMA BEFORE "NAMELY"

**Rule:** "Namely" introduces a list of specific items that explain what was just said. A comma is placed before and after it.

**Example:** ...the High Court exercises jurisdiction through two Benches, namely, the principal seat at

Allahabad and the Lucknow Bench. ("Namely" here identifies which two benches are meant.)

## 6. FULL STOP

**Rule:** Every complete sentence ends with a full stop.

**Example:** The Benches are, therefore, only the seats through which the unified jurisdiction of the High Court is exercised, and do not constitute separate courts. (Complete thought, ends with a full stop.)

## 7. COMMA AFTER A CLAUSE BEGINNING WITH "ONCE" OR "WHEN"

**Rule:** Time-based introductory clauses starting with "once," "when," or similar words are followed by a comma before the main sentence.

**Example:** Once such forum is properly invoked and the High Court assumes seisin of the matter, the plenary power under Section 24 becomes available to direct transfer to any competent subordinate court within the State...

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