

74. Remitting of action to Local Court

- (1) When an action is brought in the Court that might have been brought in a Local Court without the consent of the defendant —
 - (a) the defendant may, at any time, apply to the Court or a Judge thereof, for an order remitting the action to the appropriate Local Court sitting at such place as is specified in the order, and the Court or Judge thereof shall make an order accordingly, unless it or he considers that under the circumstances of the case, it is advisable that the action should be tried in the Court, or
 - (b) the Court or a Judge thereof may, without any such application, make such an order if it or he thinks fit.

- (2) Notwithstanding section 78 (c) so far as it relates to costs, when an action is brought in the Court that might have been brought in a Local Court without the consent of the defendant, the plaintiff is not entitled to recover a greater sum by way of costs than he could have recovered had the action been brought in a Local Court, unless the District Court Judge hearing the action certifies —
 - (a) in the case of an action founded in tort, that in his opinion it was proper to bring the action in the Court instead of the Local Court; and
 - (b) in any other case, that by reason of some important principle of law being involved, or of the complexity of the issues, or of the facts, the action was, in his opinion, properly brought in the Court.