Article - Courts and Judicial Proceedings

[Previous][Next]

§4–402.

(a) Except as provided in §§ 4–401 and 4–404 of this subtitle, the District Court does not have equity jurisdiction.

(b) Except as provided in § 4–401 of this subtitle, the District Court does not have jurisdiction to decide the ownership of real property or of an interest in real property.

(c) The District Court does not have jurisdiction to render a declaratory judgment.

(d) (1) (i) Except in a case under paragraph (2), (4), (5), or (6) of § 4–401 of this subtitle, the plaintiff may elect to file suit in the District Court or in a trial court of general jurisdiction, if the amount in controversy exceeds $5,000, exclusive of prejudgment or postjudgment interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract.

(ii) In the case of a class action, the separate claims of the proposed members of the class may be aggregated to meet the minimum amount in controversy required under subparagraph (i) of this paragraph.

(2) In a case under § 4–401(7) or (8) of this subtitle, the plaintiff may elect to file a petition for injunctive relief either in the District Court or the circuit court.

(3) In a case under § 4–401(16) of this subtitle, the plaintiff may elect to file a claim for a replacement motor vehicle in either the District Court or the circuit court.

(e) (1) In a civil action in which the amount in controversy does not exceed $25,000, exclusive of attorney's fees if attorney's fees are recoverable by law or contract, a party may not demand a jury trial pursuant to the Maryland Rules.

(2) Except in a replevin action, if a party is entitled to and files a timely demand, in accordance with the Maryland Rules, for a jury trial, jurisdiction is transferred forthwith and the record of the proceeding shall be transmitted to the appropriate court. In a replevin action, if a party is entitled to and files a timely demand for a jury trial, the District Court may conduct a hearing on the show–cause order prior to issuing the writ, enforce an injunction issued by it in the action, and

issue, renew, and receive returns upon the writ of replevin. The action shall be transmitted to the appropriate court only after the writ has been returned, stating that the property sought has been seized or eloigned, and the time for filing a notice of intention to defend has expired.

(f) If the amount in controversy in an action for damages for a dishonored check or other instrument under § 4–401(17) of this subtitle exceeds $25,000, the defendant is entitled to transfer the action from the District Court to an appropriate circuit court by filing a timely demand as prescribed under the Maryland Rules.

[Previous][Next]