

CHAPTER II

TERRITORIAL JURISDICTION Articles 42 to 48

Article 42

(Decree n°81-500 of 12 May 1981, Article 7, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The territorially competent court is, unless otherwise provided, that of the place where the defendant lives.

If there are several defendants, the plaintiff may, at his choosing, bring his case before the court of the place where one of them lives.

If the defendant has neither a known domicile nor residence, the plaintiff may bring his case before the court of the place where he lives or before the court of his choice if he lives abroad.

Article 43

The place where the defendant lives means:- in relation to a natural person, the place where he has his domicile or, in default thereof, his residence, - in relation to a corporate entity, the place where it is established.

Article 44

In real-estate matters, only the court of the place where the building is located has jurisdiction.

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Article 45

In matters of succession, until distribution has been completed, the following will be brought before the court of the district where the succession is opened:

- actions among the heirs;- actions brought by the creditors of the deceased;- actions relating to the implementation of the dispositions causa mortis.

Article 46

(Decree n°81-500 of 12 May 1981, Article 8, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The plaintiff may bring his case, at his choosing, besides the court of the place where the defendant lives, before:

- in contractual matters, the court of the place of the actual delivery of the chattel or the place of performance of the agreed service;
- in tort matters, the court of the place of the event causing liability or the one in whose district the damage was suffered;
- in mixed matters, the court of the place where real property is situated;- in matters of support or contribution to the expenses of marriage, the court of the place where the creditor lives.

Article 47

Where a judge or a representative of the law is a party to litigation within the jurisdiction of the court in the district of which he sits in office, the plaintiff may bring his case before a court sitting in an adjacent district.

The defendant and all parties to an appeal may likewise ask to remit the matter before a court referred to under the same conditions; Article 97 will then apply.

Article 48

Any clause that departs, directly or indirectly, from the rules of territorial jurisdiction will be deemed non-existent unless it has been agreed between parties to a contract entered into as merchants and the same has been provided for in an explicit manner in the undertakings of the party against whom it will be enforced.