

**涉自贸区(港)诉讼指南**

*The Free Trade Zone (Port) Litigation Guide*

**民事起诉指南**

**民事起訴指南**

**Guide on Filing Civil Cases**

**海南省高级人民法院 印制**

**THE HIGHER PEOPLE'S COURT OF HAINAN PROVINCE**



# 民事起诉指南 民事起訴指南

## Guide on Filing Civil Cases

### I. 起诉条件 / 起诉条件

#### Essentials of Complaint

1. 原告必须是与案件有直接利害关系的公民、法人或其他组织；

原告必須是與案件有直接利害關係的公民、法人或其他組織；

The plaintiff must be a citizen, legal person, or other organization having direct interests with the case;

2. 必须有明确的被告 / 必須有明確的被告；

There must be a specific defendant;

3. 必须有具体的诉讼请求和事实、理由；

必須有具體的訴訟請求和事實、理由；

There must be a concrete claim, a factual basis, and a cause for the lawsuit;

4. 必须属于人民法院受理民事诉讼的范围和受诉人民法院管辖。

必須屬於人民法院受理民事訴訟的範圍和受訴人民法院管轄。

The lawsuit must be within the scope of civil lawsuits to be accepted by the people's courts and within the jurisdiction of the people's court to which the lawsuit is filed.

### II. 海南法院民商事案件级别管辖标准 海南法院民商事案件級別管轄標準

#### Standards for the Hierarchical Jurisdiction of the People's Courts of Hainan Province over Civil and Commercial Cases

1. 省高级人民法院管辖下列第一审民商事案件：

省高級人民法院管轄下列第一審民商事案件：

The higher people's court has jurisdiction over the

following civil or commercial cases of the first instance:

a) 诉讼标的额在3亿元以上且当事人住所地均在受理法院所处省级行政辖区的第一审民商事案件;

訴訟標的額在3億元以上且當事人住所地均在受理法院所處省級行政轄區的第一審民商事案件;

A civil or commercial case of the first instance where the subject matter of the action has a value of not less than 300 million yuan and all parties are domiciled within the provincial administrative jurisdiction in which the court accepting the case is located;

b) 诉讼标的额在1亿元以上且当事人一方住所地不在受理法院所处省级行政辖区的第一审民商事案件;

訴訟標的額在1億元以上且當事人一方住所地不在受理法院所處省級行政轄區的第一審民商事案件;

A civil or commercial case of the first instance where the subject matter of the action has a value of not less than 100 million yuan and one of the parties is not domiciled within the provincial administrative jurisdiction in which the court accepting the case is located;

c) 诉讼标的额在8000万元以上的涉外涉港澳台第一审民商事案件。

訴訟標的額在8000萬元以上的涉外涉港澳臺第一審民商事案件。

A civil and commercial case of the first instance involving a foreign party, Hong Kong, Macao or Taiwan where the subject matter of the action has a value of not less than 80 million yuan.

2. 各中级人民法院管辖下列第一审民商事案件:

中級人民法院管轄下列第一審民商事案件:

The intermediate people's courts have jurisdiction over the following civil or commercial cases of the first instance:

a) 诉讼标的额在3000万元以上且当事人住所地均在受理法院所处省级行政辖区的第一审民商事案件;

訴訟標的額在3000萬元以上且當事人住所地均在受理法院所處省級行政轄區的第一審民商事案件;

A civil or commercial case of the first instance where the

subject matter of the action has a value of not less than 30 million yuan and all parties are domiciled within the provincial administrative jurisdiction in which the court accepting the case is located;

b) 诉讼标的额在2000万元以上且当事人一方住所地不在受理法院所处省级行政辖区的第一审民商事案件;

訴訟標的額在2000萬元以上且當事人一方住所地不在受理法院所處省級行政轄區的第一審民商事案件;

A civil or commercial case of the first instance where the subject matter of the action has a value of not less than 20 million yuan and one of the parties is not domiciled within the provincial administrative jurisdiction in which the court accepting the case is located;

c) 诉讼标的额在1000万元以上的涉外涉港澳台第一审民商事案件。

訴訟標的額在1000萬元以上的涉外涉港澳臺第一審民商事案件。

A civil and commercial case of the first instance involving a foreign party, Hong Kong, Macao or Taiwan where the subject matter of the action has a value of not less than 10 million yuan.

3. 各基层人民法院管辖下列第一审民商事案件:

各基层人民法院管辖下列第一审民商事案件:

The basic people's courts have jurisdiction over the following civil or commercial cases of the first instance:

a) 诉讼标的额不满3000万元且当事人住所地均在受理法院所处省级行政辖区的第一审民商事案件;

訴訟標的額不滿3000萬元且當事人住所地均在受理法院所處省級行政轄區的第一審民商事案件;

A civil or commercial case of the first instance where the subject matter of the action has a value of less than 30 million yuan and all parties are domiciled within the provincial administrative jurisdiction in which the court accepting the case is located;

b) 诉讼标的额不满2000万元且当事人一方住所地不在受理法院所处省级行政辖区的第一审民商事案件;

訴訟標的額不滿2000萬元且當事人一方住所地不在受理法院所處省級行政轄區的第一審民商事案件；

A civil or commercial case of the first instance where the subject matter of the action has a value of less than 20 million yuan and one of the parties is not domiciled within the provincial administrative jurisdiction in which the court accepting the case is located;

c) 诉讼标的额不满1000万元的涉外涉港澳台第一审民商事案件。

訴訟標的額不滿1000萬元的涉外涉港澳臺第一審民商事案件。

A civil and commercial case of the first instance involving a foreign party, Hong Kong, Macao or Taiwan where the subject matter of the action has a value of less than 10 million yuan.

### III. 起诉材料 / 起訴材料

#### Materials for Filing a Lawsuit

1. 提交起诉状和副本 / 提交起訴狀和副本；

Original and duplicates of the complaint;

起诉状一份，按对方当事人的人数提交副本。原件  
和副本落款处的原告签名和印章不得影印。

起訴狀一份，按對方當事人的人數提交副本。原件  
和副本落款處的原告簽名和印章不得影印。

One of original piece, together with several duplicate pieces numbered in accordance with the number of defendants and third parties. The signature and seal of the "Plaintiff" at the end of each duplicate shall not be photocopied.

2. 与起诉相关的证据材料，并附证据清单；

與起訴相關的證據材料，并附證據清單；

Evidence on which the complaint is based, as well as a detailed list of material evidence;

证据清单需列明每份证据（原件或复印件）的名

称、份数及证明对象等。证据材料份数与起诉状份数一致。

證據清單需列明每份證據（原件或復印件）的名稱、份數及證明對象等。證據材料份數與起訴狀份數一致。

The detailed list of material evidence shall list names and quantities of all evidence (original/duplicate), evidenced object, etc. The quantity of evidence materials shall be in accordance with the number of the complaint.

3. 原告、被告、第三人的诉讼主体资格证明；  
原告、被告、第三人的訴訟主體資格證明；

Lawsuit qualification certificates of the plaintiff, the defendant and the third party;

4. 原告送达地址确认书 / 原告送達地址確認書。

Confirmation of the plaintiff's delivery address.

