

GUJARAT ACT NO. 4 OF 2004.

THE GUJARAT COURT-FEES ACT, 2004.

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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th March, 2004 is hereby published for general information.

S. S.PARMAR,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2004.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*", on the 6th March, 2004).

AN ACT

to consolidate and amend the law relating to fees in the courts and public offices and fees taken in respect of certain matters in the State of Gujarat, other than fees falling under entries 77 and 96 of List I in the Seventh Schedule to the Constitution of India.

It is hereby enacted in the Fifty-fifth Year of the Republic of India as follows :-

**CHAPTER I
PRELIMINARY**

1. (1) This Act may be called the Gujarat Court-fees Act, 2004.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
- (4) The provisions of this Act shall not apply to fees or stamps relating to documents presented or to be presented before any officer serving under the Central Government.
- (5) In the absence of any specific provision to the contrary, nothing in this Act shall affect any special law now in force relating to fees taken in the courts and public offices.

Short title, extent, commencement and application.

Definitions.

2. In this Act, unless the context otherwise requires, -
 - (a) “Chief Controlling Revenue Authority” means such officer, as the State Government may by notification in the *Official Gazette*, appoint in this behalf for the whole or any part of the State of Gujarat;
 - (b) “Collector” includes any officer authorised by the Chief Controlling Revenue Authority to perform the functions of a Collector under this Act;
 - (c) “Plaint” includes a written statement pleading a set off or counter claim.

CHAPTER II COMPUTATION OF FEES

Levy of fees in High Court on its original side.

3. The fees payable for the time being to the clerks and officers (other than the sheriffs and attorneys) of the High Court;

or chargeable in that Court under Article 10 of the First Schedule, and Articles 11, 14, 17, 20 and 21 of the Second Schedule annexed to this Act;

shall be collected in the manner hereinafter appearing.

Fees on documents filed, etc. in courts or in public offices.

4. No document of any of the kinds specified as chargeable in the First or Second Schedule annexed to this Act shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there has been paid a fee of an amount not less than that indicated by either of the said Schedules as the proper fee for such document.

Procedure in case of difference as to necessity or amount of fee.

5. (1) When any difference arises between the officer whose duty is to see that any fee is paid under this Act and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in the High Court, be referred to the taxing officer, whose decision thereon shall be final, subject to revision, on an application, made within sixty days from the date of the decision, by the suitor or attorney or pleader or such officer as may be appointed in this behalf by the State Government, by the Chief Justice or by such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf. The Chief Justice shall declare the taxing officer within the meaning of this sub-section.

(2) When any such difference arises in the Ahmedabad City Civil Court, the question shall be referred to the Registrar of the City Civil Court, whose decision shall be final, subject to revision, on an application, made within sixty days from the date of the decision, by the party concerned or such officer as may be appointed in this behalf by the State Government, by the Principal Judge or such other Judge of the said Court as the Principal Judge shall appoint either generally or specially in this behalf.

(3) When such difference arises in any other Court, the question shall be referred to the Judge presiding over such Court for final decision.

6. The amount of fees payable under this Act in the suits next hereinafter mentioned shall be computed as follows :-

- (1) In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities or of other sums payable periodically) according to the amount claimed.
- (2) In suits for maintenance (with or without a prayer for the creation of a charge), and for annuities or other sums payable periodically according to the value of the subject matter of the suit, and such value shall be deemed to be, in the case of a suit for maintenance, the amount claimed to be payable for one year and in any other case, ten times such amount:

Provided that if in a suit for maintenance, the plaintiff obtains a decree for maintenance, the defendant shall be liable to make good the deficit, if any, between the fee payable on ten times the amount awarded for one year and the fee already paid by the plaintiff; and the amount of such deficit shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue.

Computation of fees payable in certain suits.

for money.

for maintenance and annuities.

- (3) (a) In suits for movable property other than money, where the subject matter has a market value according to such value at the date of presenting the plaint; **for other movable property having a market value.**
- (b) in suits for declaration to obtain adjudication against recovery of money from the plaintiff, whether the recovery is as land revenue or arrears of land revenue or tax or duty or cess or fee or fine or penalty or under any decree or order of a court or any certificate or award other than under the Arbitration and Conciliation Act, 1996, or in any other manner, one-fourth of the *ad valorem* fee leviable on the amount sought to be recovered according to the scale prescribed under Article 1 of Schedule I with a minimum fee of thirty rupees : **against recovery of any money due as a tax, etc.**

26 of 1996.

Provided that when in addition to any consequential relief other than possession is sought, the amount of fee shall be one-half of the *ad valorem* fee on the amount sought to be recovered :

Provided further that when the consequential reliefs sought also include a relief for possession, the amount of fee shall be the full *ad valorem* fee on the amount sought to be recovered;

similar claim in respect of movable property.

- (c) in suits for declaration similar to those falling under sub-clause (b) in respect of movable property, one-fourth of the *ad valorem* fee leviable on the value of the movable property subject to the minimum fee as under sub-clause (b) :

Provided that when in addition to any consequential relief other than possession is sought, the amount of fee shall be one-half of the *ad valorem* fee leviable on the value of such property :

Provided further that when the consequential reliefs also sought include a relief for possession, the amount of fee shall be the full *ad valorem* fee leviable on such value;

for status with monetary attribute.

- (d) in suits for declaration of the status of plaintiff, to which remuneration, honorarium, grant, salary, income, allowance or return is attached, one-fourth of the *ad valorem* fee leviable on the emoluments or value of return for one year :

Provided that when in addition to any consequential relief other than possession is sought, the amount of fee shall

be one-half of the *ad valorem* fee on such emoluments or value of return :

Provided further that when the consequential reliefs sought also include a relief for possession, the amount of fee shall be the full of the *ad valorem* fee on such emoluments or value of return.

for ownership
etc., for
immovable
property etc.

- (4) In suits for declaration in respect of ownership or nature of tenancy, title, tenure, right, lease, freedom, or exemption from, or non-liability to, attachment with or without sale or other attributes, of immovable property, such as a declaration that certain land is personal property of the Ruler of any former Indian State or public trust property or property of any class or community, one-fourth of the *ad valorem* fee leviable for a suit for possession on the basis of title of the subject matter, subject to a minimum fee of forty rupees:

Provided that if the question is of attachment with or without sale, the amount of fee shall be the *ad valorem* fee according to the value of the property sought to be protected from attachment with or without sale or the fee of thirty rupees, whichever is less:

Provided further that, where the defendant is or claims under or through a limited owner, the amount of fee shall be one-sixth of such *ad valorem* fee, subject to the minimum fee specified above:

Provided also that, in any of the cases falling under this clause except its first proviso, when in addition to any consequential relief other than possession is sought, the amount of fee shall be one-half of the *ad valorem* fee and when the consequential relief sought also include a relief for possession, the amount of fee shall be the full *ad valorem* fee.

- (5) In suits for declaration of easement or right to benefit arising out of immovable property, with or without an injunction or other consequential relief, the amount of fee shall be as shown in the Table below:-

declaration for
easements, etc.

TABLE

Area 1	Fee 2
(a) The area within the limits of the Municipal Corporation.	One-fourth of the <i>ad valorem</i> fee leviable for a suit for possession of the servient tenement or the dominant tenement, whichever is less subject to a minimum fee of thirty rupees.

- (b) Area within the limits of Municipality. One-sixth of the *ad valorem* fee leviable for a suit for possession of the servient tenement or the dominant tenement, whichever is less, subject to a minimum fee of thirty rupees.
- (c) Any other area in the State of Gujarat. Thirty rupees.

- (6) In suits for declaration of status to which no direct monetary attribute is attached such as a declaration that the plaintiff is a married husband or wife of the defendant or divorced husband or wife of the defendant or a declaration about legitimacy of children or about citizenship rights or about an adoption - Sixty rupees:

for other status
without
monetary
attribute.

Provided that where injunction or other consequential relief is also sought in such case, the amount of fee shall be one hundred rupees.

for charge
on
property.

- (7) In suits for declaration of a charge in favour of the plaintiff on movable or immovable property, one-half of the *ad valorem* fee payable on the charge amount:

Provided that where injunction or other consequential relief is also sought in such cases, the amount of fee shall be the full *ad valorem* fee payable on the charge amount.

for periodical
money returns.

- (8) In suits for declaration in respect of periodical charge or money return in favour of or against the plaintiff, one-half of the *ad valorem* fee payable on the charge for five years if the charge is annual and on the charge for one year if the period of the charge is less than one year.

for avoidance of
sale, contract for
sale, etc.

- (9) In suits for declaration that any sale or contract for sale or termination of the contract for sale of any moveable or immoveable property is void, one-half of the *ad valorem* fee leviable on the value of the property.

for avoidance of
acquisition
proceedings.

- (10) In suits for declaration that any proceedings for compulsory acquisition of any moveable or immoveable property are void, one-half of the *ad valorem* fee leviable on the value of the property.

for accounts.

- (11) In suits for a accounts according to the amount at which the relief sought is valued in the plaint or memorandum of appeal, subject to

the provisions of section 8 and subject to a minimum fee of one hundred rupees.

**for other
declarations.**

- (12) In suits where declaration is sought, with or without injunction or other consequential relief and the subject matter in dispute is not susceptible of monetary evaluation and which are not otherwise provided for by this Act - one hundred rupees,

In all suits under sub-clauses (b), (c) and (d) of clause (3) and clauses (4) to (11), the plaintiff shall state the amount at which he values the relief sought, with the reasons for the valuation.

**for possession of
lands, houses
and gardens.**

- (13) In suits for the possession of land, houses and gardens according to the value of the subject matter; and such value shall be deemed to be, where the subject matter is a house or garden according to the market value of the house or garden and where the subject matter is land, and

(a) where the land is held on settlement for a period not exceeding thirty years and pays the full assessment to Government -- a sum equal to twenty times the survey assessment;

(b) where the land is held on a permanent settlement, or on a settlement for any period exceeding thirty years, and pays the full assessment to Government -- a sum equal to forty times the survey assessment; and

(c) where the whole or any part of the annual survey assessment is remitted a sum computed under sub-clause (a) or sub-clause (b), as the case may be, in addition to forty times the assessment, or the portion of assessment, so remitted

- (14) In suits to enforce a right of pre-emption according to the value (computed in accordance with the clause (13)) of the land, house or garden in respect of which the right is claimed.

**to enforce a
right of pre-
emption.**

- (15) In suits for partition and separate possession of a share of joint family property or of joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property whether or not, the plaintiff is in actual or constructive possession of the property of which he claims to be a co-parcener or co-owner according to the value of the share in respect of which the suit is instituted.

**for share in joint
property.**

Explanation.- For the purposes of this clause, if the property in which a share is claimed consists of or includes any land

assessed to land revenue for the purpose of agriculture; the value of such land shall be deemed to be the value as determined under clause (13).

- (16) In suits for the interest of an assignee of land revenue, thirty times his net profits as such for the year next before the date of presenting the plaint. **for interest of assignee of land revenue.**

- (17) In suits to set aside an attachment of land or of an interest in land or revenue - according to the amount for which the land or interest was attached: **to set aside an attachment.**

Provided that where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest.

- (18) In suits against a mortgagee for the recovery of the property mortgaged, and in suits by a mortgagee to foreclose the mortgage, **to redeem.**

or when the mortgage is made by conditional sale, to have the sale declared absolute -

according to the principal money expressed to be secured by the instrument of mortgage.

for specific performance.

- (19) In suits for specific performance -
- (a) of a contract of sale -- according to the amount of the consideration,
 - (b) of a contract of mortgage -- according to the amount agreed to be secured,
 - (c) of a contract of lease -- according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term,
 - (d) of an award -- according to the amount or value of the property in dispute :

between landlord and tenant.

- (20) In the following suits between landlord and tenant -
- (a) for the delivery by a tenant of the counterpart of a lease,
 - (b) to enhance the rent of a tenant having a right of occupancy,
 - (c) for the delivery by a landlord of a lease,
 - (d) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy,

- (e) to contest a notice of ejectment,
- (f) to recover the occupancy of immovable property from which a tenant has been illegally ejected by the landlord, and
- (g) for abatement of rent—

according to the amount of the rent of the immovable property to which the suit refers, payable for the year next before the date of presenting the plaint.

Fee on memorandum of appeal against order or award relating to compensation in certain cases.

7. (1) The amount of fee payable under this Act on a memorandum of appeal against an order having the force of a decree relating to compensation under any Act for the time being in force for the acquisition of land for public purposes shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

(2) The amount of fee payable under this Act on a memorandum of appeal against an award of a Claims Tribunal preferred under section 173 of the Motor Vehicles Act, 1988, shall be computed as follows:-

59 of 1988.

- (i) if such appeal is preferred by the insurer or owner of the motor vehicle, the full *ad valorem* fee leviable on the amount at which the relief is valued in the memorandum of appeal according to the scale prescribed under Article 1 of Schedule I;
- (ii) if such appeal is preferred by any other person – one-half of the *ad valorem* fee leviable on the amount at which the relief is valued in the memorandum of appeal according to the said scale:

Provided that if such person succeeds in the appeal, he shall be liable to make good the deficit, if any, between the full *ad valorem* fee payable on the relief awarded in the appeal according to the said scale and the fee already paid by him; and the amount of such deficit shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue.

8. If the Court is of opinion that the subject matter of any suit has been wrongly valued or if an application is made to the Court for the revision of any valuation made, the Court may determine the correct valuation by holding such inquiry as it thinks fit for such purpose, and revise the valuation.

Inquiry to valuation of suits.

9. (1) For the purpose of an inquiry under section 8, the Court may depute, or issue a commission to, any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any evidence recorded by such person shall be evidence in the inquiry.

Investigation to ascertain proper valuation.

(2) The Court may, from time to time direct such party to the suit as it thinks fit to deposit such sum as the Court thinks reasonable as the costs of the inquiry, and if the costs are not deposited within such time as the Court shall fix may, notwithstanding anything contained in any other Act, reject the plaint or, as the case may be the appeal, if such party is the plaintiff or the appellant and, in any other case, may recover the costs as a public demand :

Provided that when any plaint or appeal is rejected under this section, the court-fees already paid shall not be liable to be refunded.

10. (1) The Court, when making an inquiry under section 8 and any person making an investigation under section 9 shall have respectively for the purposes of such inquiry or investigation, the powers vested in a Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-

Power of persons making inquiry under sections 8 and 9.

5 of 1908.

- (a) enforcing the attendance of any person and examining him on oath or affirmation;
- (b) compelling the production of documents or material objects;
- (c) issuing commissions for the examination of witnesses;
- (d) taking or receiving evidence on affidavits.

(2) An inquiry or investigation referred to in sub-section (1) shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

45 of 1860.

Costs of inquiry as to valuation and refund of excess fee.

11. If in the result of an inquiry under section 8, the Court finds that the subject matter of the suit has been undervalued, the Court shall order the party responsible for the under valuation to pay the costs of the inquiry.

If in the result of such inquiry, the Court finds that the subject matter of the suit has not been undervalued, the Court may, in its discretion, order that such costs shall be paid by the Government or by any party to the suit at whose instance the inquiry has been undertaken and if any amount exceeding the proper amount of fee has been paid shall refund the excess amount so paid.

Appointment of inspecting officers and recovery in cases reported by them.

12. (1) The State Government may appoint generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called inspecting officers.

(2) The inspecting officer may, subject to the control of the Court concerned, examine the records of any case which is pending or has been disposed of, with a view to finding out whether proper fees have been paid therein.

(3) If on such examination, the inspecting officer finds that the fee payable under this Act, on any document filed, exhibited or recorded in such case, has not been paid or has been insufficiently paid, he shall report the fact to the presiding officer of the court.

(4) Such presiding officer, after satisfying himself of the correctness of such report, shall record a provisional finding that the proper fee has not been paid and determine the amount of the fee payable and such further sum as he thinks reasonable as the costs of the inquiry and the person from whom the fee or the difference thereof, if any, and the costs shall be recoverable.

(5) After recording the finding under sub-section (4), the presiding officer shall issue a notice to the person referred to in that sub-section to show cause as to why he should not be ordered to pay the fee and the costs determined thereunder, and if sufficient cause is not shown, the presiding officer shall confirm the finding and make an order requiring such person to pay the proper fee and the cost before a specified date.

(6) If such person fails to pay the fee and the costs in accordance with the provisions of sub-section (5), they shall, on the certificate of such presiding officer, be recoverable as an arrears of land revenue.

13. (1) In a suit or proceeding the difference, if any, between the fee actually paid and the fee which would have been payable, on delivery of judgment, be taxed by the court and shall be leviable from the plaintiff and if not paid by him within thirty days from the date of the judgment be recoverable according to the law and under the rules for the time being in force for the recovery of an arrears of land revenue.

Taxing of Court-fees and their recovery in suits for *mense profits* or amount.

(2) The Court shall send a copy of the decree or order or award passed in such suit to the Collector.

(3) No decree passed in any suit by the Court shall be executed, until a certificate to the effect that such difference is paid or recovered, signed by the Court which passed the decree or by the Collector who recovered the amount, is produced along with the application for such execution.

Explanation.- For the purpose of this section, "Plaintiff" includes any party to a suit to whom any profits or amount are or is found to be due.

14. (1) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this Chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed and such decision shall be final as between the parties to the suit.

Decision of questions as to valuation.

(2) But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party, by whom such fee has been paid, to pay such additional fee as would have been payable had the question been rightly decided.

5 of 1908.

15. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, 1908, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in rule 23 of Order XLI in the First Schedule to the same Code for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorising him to receive back from the Collector, the full amount of fee paid on the memorandum of appeal :

Refund of fee paid on memorandum of appeal.

Provided that if, in the case of remand in appeal, the order of remand shall not cover the whole of the subject matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject matter in respect whereof the suit has been remanded.

Refund of fee on application or review of judgement.

16. Where an application for review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

Refund where Court reverses or modifies its former decision on ground of mistake.

17. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under clause (c) or (f) of Article 1 of the Second Schedule annexed to this Act.

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

Multifarious suits.

18. Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately each of such subjects would be liable under this Act.

Nothing in the former part of this section shall be deemed to affect the power conferred by the Code of Civil Procedure, 1908, Schedule I, Order II, rule 6.

Written examinations of complainants.

19. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police officer may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, 1973, the complainant shall pay a fee of ten rupees unless the court thinks fit to remit such payment.

2 of 1974.

Exemption of certain documents.

20. Nothing contained in this Act shall render the following documents chargeable with any fee-

- (i) Power-of-attorney to institute or defend a suit when executed by a member of any of the Armed Forces of the Union not in civil employment.
- (ii) Application for certified copies of documents or of any other purpose in the course of a criminal proceeding presented by or on behalf of the State Government to a criminal Court.
- (iii) Written statements called for by the Court after the first hearing of a suit.
- (iv) Probate of a will, letters of administration, and, save as regards debts and securities, a certificate under the Bombay Regulation VIII of 1827 or any corresponding law in force, where the amount or value of the property in respect of which the probate or letters or certificate shall be granted does not exceed one thousand rupees.
- (v) Application or petition to the Collector or other officer making a settlement of land revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land or the ascertainment, of rights thereto or interest therein, if presented, previous to the final confirmation of such settlement.
- (vi) Application relating to supply for irrigation of water belonging to Government.
- (vii) Application for leave to extend cultivation, or to relinquish land, when presented to an officer of a land revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.

- (viii) Application for service of notice of relinquishment of land or of enhancement of rent.
- (ix) Written authority to an agent to distrain.
- (x) Petition, application, charge or information respecting any offence when presented, made or laid to or before a police officer, or to or before the Heads of Villages or the village police.
- (xi) Petition by a prisoner, or other person in duress or under restraint of any Court or its officer.
- 45 of 1860. (xii) Complaint of a public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a railway company.
- (xiii) Application for the payment of money due by the Government to the applicant.
- (xiv) Petition of appeal against any municipal tax.
- (xv) Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes, other than those chargeable under Article 15 of Schedule I.

CHAPTER III PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION

Relief where too high a court-fee has been paid.

21. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue Authority for the local area in which the probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,

the said Authority may -

- (a) cancel the stamp on the probate or letters if such stamp has not been already cancelled;
- (b) substitute another stamp for denoting the court-fee which should have been paid thereon; and
- (c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

Relief when debts due from a deceased person have been paid out of his estate.

22. Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amounts or value of the estate reduces the same, to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act,

such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters of administration.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and; made available, and in consequence, thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

23. Whenever a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

Relief in case of several grants.

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

24. The probate of the will or the letters of administration of the effects of any person deceased hereto before or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any movable or immovable property whereof or whereto the deceased was possessed or entitled either wholly or partially as a trustee, notwithstanding the amount or value of such property is not

Probates declared valid as to trust property though not covered by court-fees.

included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.

25. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a court-fee thereon, the Chief Controlling Revenue Authority for the local area in which the probate or letters of administration has or have been granted may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or, if it or they, is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters of administration :

Provisions for case where too low a court-fee has been paid on probates, etc.

Provided that if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters of administration, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the court-fee, the said Authority may remit the said penalty, and cause the probate or letters of administration to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

Administrator to give proper security before letters stamped under section 25.

26. In case of letter of administration on which too low a court-fee has been paid at first ; the said Authority shall not cause the same to be fully stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

Executors, etc. not paying full court-fee on probates, etc. within six months after discovery of under payment.

27. Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters of administration does not, within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the court-fee which ought to have been paid at first on such probate or letters of administration, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up the proper court-fee.

Notice of applications for probate or letters of administration to be given to Revenue authorities, and procedure thereon.

28. (1) Where an application for probate or letters of administration is made to any Court other than the High Court, the Court shall cause notice of the application to be given to the Collector.

(2) Where such an application as aforesaid is made to the High Court, the High Court shall cause notice of the application to be given to the Chief Controlling Revenue Authority.

(3) The Collector within the local limits of whose revenue jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector shall forward his report, giving therein his reasons for his opinion and his estimate of the true valuation, to the High Court or any other Court, as the case may be, serving at the same time a copy of his report on the petitioner.

(4) If within thirty days from the date of receipt of the copy of the Collector's report served on him under sub-section (3), the petitioner does not file in Court his objections to the Collector's valuation, the Court shall make an order amending the petitioner's valuation, in accordance with the report of the Collector.

(5) If within the aforesaid period, the petitioner filed in Court his objection, the Court shall hold, or cause to be held, an inquiry in accordance with the provisions of sections 9, 10 and 11 as if the application were a suit and shall record the finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(6) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Chief Controlling Revenue Authority of any application under section 25.

(7) The State Government may make rules for the guidance of Collector, in the exercise of the powers conferred by sub-section (3).

29. (1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the Third Schedule, and the Court is satisfied that the fee mentioned in Article 10 of the First Schedule has been paid on such valuation.

Payment of court-fee in respect of probate and letters of administration.

(2) The grant of probate or letters of administration shall not be delayed by reason of any report made by the Collector under sub-section (3) of section 28.

30. (1) Any excess fee found to be payable on an inquiry held under section 28 and any penalty or forfeiture under section 27, may, on the certificate of the Chief Controlling Revenue Authority, be recovered from the executor or administrator as if it were an arrear of land revenue by any Collector.

Recovery of penalties etc.

(2) The Chief Controlling Revenue Authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 25 or of any court-fee under section 25 in excess of the full court-fee which ought to have been paid.

31. Nothing in sections 4 and 40 shall apply to probates or letters of administration.

Sections 4 and 40 not to apply to probates or letters of administration.

**CHAPTER IV
PROCESS FEES**

Rules as to costs of process.

- 32.** The High Court shall make rules as to the following matters -
- (i) the fees chargeable for serving and executing processes issued by such court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction;
 - (ii) the fees chargeable for serving and executing processes issued by the Criminal Courts, established within such limits in the case of offences other than offences for which police officers may arrest without a warrant ; and
 - (iii) the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

The High Court may from time to time alter and add to the rules so made.

Confirmations and publication of rules.

All such rules, alterations and additions shall, after being confirmed by the State Government, be published in the *Official Gazette*, and shall thereupon have the force of law.

Until such rules shall be so made and published, the fees now leviable for serving and executing processes shall continue to be levied and shall be deemed to be fees leviable under this Act.

Tables of process fees.

33. A table in the English and regional languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each court.

Number of peons in District and subordinate Courts.

34. Subject to the rules to be made by the High Court and approved by the State Government, every District Judge, the Principal Judge of the City Civil Court and every Magistrate of a District shall fix, and may from time to time alter, the number of peons or persons necessary to be employed for the service and execution of processes issued out of his Court, and each of the Courts subordinate thereto,

Number of peons in mofussil Small Cause Courts.

and for the purposes of this section, every Court of Small Causes established under the law shall be deemed to be subordinate to the Court of the District Judge.

35. Subject to rules to be framed by the Chief Controlling Revenue Authority and approved by the State Government, every officer performing the function of a Collector of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Courts or the Court subordinate to him.

Number of
peons in
Revenue
Courts.

CHAPTER V MODE OF LEVYING FEES

36. All fees shall be charged and collected under this Act at the rate in force on the date on which the document chargeable to court-fees is or was presented.

Rate of fee in force
on date of
presentation of
document to be
applicable.

37. (1) All fees chargeable under this Act shall be collected by stamps.

Collection of fees
by stamps.

(2) Notwithstanding anything contained in sub-section (1), where –

- (a) the State Government, in relation to any area in the State, or
- (b) the Collector, in relation to any area in the district under his charge, is satisfied that on account of temporary shortage of stamps in any area, fee cannot be paid, and payment of fee cannot be indicated on documents, by means of stamps, the State Government, or as the case may be, the Collector may by notification in the *Official Gazette*, direct that in such area and for such period as may be specified in such notification, the fee may be paid in cash in any Government treasury or sub-treasury, and the officer-in-charge of such treasury or sub-treasury shall, on production of a *challan* evidencing payment of fee in such treasury or sub-treasury, certify such payment by endorsement on the document in respect of which fee has been so paid, and state in the said endorsement the amount of the fee so paid.

(3) An endorsement made on any document under sub-section (2) shall have the same effect as if the fee of an amount equal to the amount stated in the endorsement had been paid in respect of, and such payment had been indicated on, such document by means of stamps under sub-section (1).

38. The stamps used to denote any fees chargeable under this Act shall be impressed or adhesive or partly impressed or partly adhesive, as the State Government may, by notification in the *Official Gazette*, from time to time, direct.

Stamps to be
impressed or
adhesive.

Powers of State Government to make rules.

39. The State Government may, from time to time make rules for regulating -

- (a) the supply of stamps to be used under this Act,
- (b) the number of stamps to be used for denoting any fee chargeable under this Act,
- (c) the renewal of damaged or spoiled stamps, and
- (d) the keeping accounts of all stamps used under this Act:

Provided that in the case of stamps used under section 3 in the High Court, such rules shall be made, with the concurrence of the Chief Justice of such Court.

All such rules shall be published in the *Official Gazette*, and shall thereupon have the force of law.

Stamping documents inadvertently received.

40. No documents which ought to bear stamp under this Act shall be of any validity, unless and until it is properly stamped.

But, if any such document is through mistake or inadvertence received, filed or used in any Court or office, without being properly stamped, the presiding Judge or the Head of the Office, as the case may be, or in the case of the High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, or such document being stamped accordingly, the same and every proceeding relative thereto shall be valid as if it had been properly stamped in the first instance.

Amended documents.

41. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation of stamps.

42. No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

**CHAPTER VI
MISCELLANEOUS**

43. (1) When any suit in a Court is settled by agreement of parties before any evidence is recorded, or any appeal or cross objection is settled by agreement of parties before it is called on for effective hearing by the Court, half the amount of the fee paid by the plaintiff, appellant, or respondent on the plaint, appeal or cross objection, as the case may be, shall be repaid to him by the Court :

Repayment of fee in certain circumstances.

Provided that no such fee shall be repaid if the amount of fee paid does not exceed one hundred rupees or the claim for repayment is not made within one year from the date on which the suit, appeal or cross objection was settled by agreement.

(2) The State Government may, from time to time, by order, provide for repayment to the plaintiffs, appellants or respondents of any part of the fee paid by them on plaints, appeals or cross objections, in suits or appeals disposed of under such circumstances and subject to such conditions as may be specified in the order.

Explanation.- For the purpose of this section, effective hearing shall exclude the dates when the appeal is merely adjourned without being heard or argued.

44. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the Presiding Judge, necessary to prevent a failure of justice, nothing contained in section 4 shall be deemed to prohibit such filing or exhibition.

Admission in criminal cases of documents for which proper fee has not been paid.

45. (1) The State Government may, from time to time make rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.

Sale of stamps.

(2) All such rules shall be published in the *Official Gazette*, and shall thereupon have the force of law.

(3) Any person appointed to sell stamps who disobeys any rules made under this section, and any person not so appointed who sells or offers for sale only stamp, shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both.

Power to reduce or remit fees.

46. The State Government may, from time to time, by notification in the *Official Gazette*, reduce or remit, in the whole or in any part of the territories under its administration all or any of the fees mentioned in the First and the Second Schedule annexed to this Act and may in like manner cancel or vary such order.

Saving of fees to certain officers of High Court.

47. Nothing in Chapters II and IV of this Act applies to the fees which any officer of the High Court is allowed to receive in addition to a fixed salary.

Saving as to stamp duties.

48. Nothing in this Act shall be deemed to affect the stamp duties chargeable under any other law for the time being in force relating to stamp duties.

Repeal and savings.

49. The Bombay Court-fees Act, 1959 in its application to the State of Gujarat, is hereby repealed :

**Bom.
XXXVI of
1959.**

Provided that such repeal shall not affect the previous operation of the law so repealed and anything done or any action taken (including any appointment, notification, rules, order, form, application, reference, notice report or certificate made or issued) under the law shall, in so far as this is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

Amendment of Suits Valuation Act, 1887.

50. In the Suits Valuation Act, 1887, in section 9, the words and figures "of the Court-fees Act, 1870 and" shall be deleted. **7 of 1887.**

Rules made by Government to be laid before State Legislature.

51. (1) All the rules made under this Act, shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to the rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(2) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

SCHEDULE I
Ad valorem fees

Name of proceeding 1	Description 2	Fees 3		
1.	Plaint or memorandum of appeal (not otherwise provided for in this Act) or of cross objection presented to any Civil or Revenue Court.	When the amount or value of the subject matter in dispute does not exceed one hundred rupees.	Twenty rupees.	
		When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	Two rupees.	
		When such amount or value exceeds one thousand rupees, for every hundred rupees, or part thereof, in excess of one thousand rupees, up to ten thousand rupees.	twenty rupees.	
		When such amount or value exceeds ten thousand rupees, for every one thousand rupees, or part thereof, in excess of ten thousand rupees, up to one lakh of rupees.	One hundred twenty rupees.	
		When such amount or value exceeds one lakh of rupees, for every ten thousand rupees or part thereof in excess of one lakh of rupees:	Two hundred rupees.	
	Provided that the maximum fee leviable on a plaint or memorandum of appeal or of cross objection shall be seventy-five thousand rupees.			
47 of 1963.	2.	Plaint in a suit for possession under section 6 of the Specific Relief Act, 1963.	A fee of one-half of the amount prescribed in the scale under Article 1.
26 of 1996.	3.	Plaint, application or petition (including memorandum of appeal) to set aside or modify any award otherwise than under the Arbitration and Conciliation Act, 1996.	A fee on the amount or value of the award sought to be set aside or modified

		according to the scale prescribed under Article 1.
4	Plaint, application or petition (including memorandum of appeal) which is capable of being treated as a suit, to set aside a decree or order having the force of a decree.	..... The same fee as is leviable on a plaint in a suit to obtain the relief granted in the decree or order, as the case may be.
5.	Plaint in a suit, application or petition (including memorandum of appeal), to set aside alienation to which the plaintiff, applicant or appellant, as the case may be, was a party, either directly or through a legal guardian other than <i>de facto</i> or <i>ad hoc</i> guardian, manager or partner or Court.	..... A fee on the extent of the value of alienation to be set aside, according to the scale prescribed under Article 1.
6.	Plaint in a suit (including memorandum of appeal) for possession between the guardian and ward, trustee and beneficiary, principal and agent, wife and husband, executor or administrator and beneficiary, receiver and owner of property and between persons having fiduciary relationship.	..... A fee of one-half of the amount prescribed in the scale under Article 1.
7.	Any other plaint, application or petition (including memorandum of appeal), to obtain substantive relief capable of being valued in terms of monetary gain or prevention of monetary loss, including cases wherein application or petition is either treated as a plaint or is described as the mode of obtaining the relief as aforesaid. A fee on the amount of the monetary gain or loss to be prevented, according to the scale prescribed under Article 1.

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|-----|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8. | Application for review of judgement if presented on or after the ninetieth day from the date of the decree. | | The fee leviabale on the plaint or memorandum of appeal. |
| 9. | Application for review of judgement if presented before the ninetieth day from the date of the decree. | ..... | One-half of the fee leviabale on the plaint or memorandum of appeal. |
| 10. | Probate of a will or letters of administration with or without will annexed. | <p style="text-align: center;">When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, upto fifty thousand rupees.</p> <p style="text-align: center;">When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, upto two lakhs rupees.</p> <p style="text-align: center;">When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs rupees, on the part of the amount or value in excess of two lakhs rupees, upto three lakhs rupees.</p> <p style="text-align: center;">When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs rupees, on the part of the amount or value in excess of three lakhs rupees :</p> <p style="text-align: center;">Provided that when, after the grant of a certificate under Part X of the Succession Act, 1925, or under the Bombay Regulation VIII of 1827 or any corresponding law for the time being in force, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of later grant shall be reduced by the amount of the fee paid in respect of the former grant.</p> | <p>Two per cent.</p> <p>Four per cent.</p> <p>Six per cent.</p> <p>Seven and half per cent. subject to the maximum of seventy-five thousand rupees.</p> |

11. Certificate under Part X of the Succession Act, 1925.

.....

The fee leviable in the case of a probate (Article 10) on the amount or value of any debt or security specified in the certificate under section 374 of the Act, and one and a half times this fee on the amount or value of any debt or security to which the certificate is extended under section 376 of the Act.

39 of 1925.

Note.- (1) The amount of a debt is its amount including interest on the day on which the inclusion of the debt in the certificate if applied for, so far as such amount can be ascertained.

(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act; and where such a power has been so conferred,

whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

12. Certificate under Bombay Regulation VIII of 1827 or under any corresponding law in force.

.....

The fee leviable in the case of a probate (Article 10) on the amount or value of the property in respect of which the certificate is granted.

13. Complaint presented with an originating summons under the Rules of the High Court.

.....

The fee leviable on a complaint in suit for the same relief, subject to a minimum fee of sixty rupees.

1 of 1956. 14. Application to the Court under section 543 of the Companies Act, 1956.

.....

The fee leviable on a complaint in a suit for the same relief.

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <p>15. Application to the Collector for a reference to the Court under section 18 of the Land Acquisition Act, 1894.</p> | <p>.....</p> | <p>One-half of the <i>ad-valorem</i> fee on the difference, if any, between the amount awarded by the Collector and the amount claimed by the applicant, according to the scale prescribed under Article 1 of Schedule I, subject to a minimum fee of thirty rupees.</p> | <p>I of
1894.</p> |
| <p>16. Application or petition made by any assessee to the High Court under section 256 of the Income Tax Act, 1961.</p> | <p>.....</p> | <p>One-half of the <i>ad-valorem</i> fee leviable on the amount in dispute (namely, the difference between the amount actually assessed and the amount admitted by the assessee as assessable), subject to the minimum fee of one hundred rupees.</p> | <p>43 of
1961.</p> |
| <p>17. Application or petition made by any person (other than the Collector or the Commissioner) to the High Court under any provision of the sales tax law for the time being in force in any part of the State of Gujarat.</p> | <p>.....</p> | <p>One-half of the <i>ad-valorem</i> fee leviable on the amount in dispute (namely, the difference between the amount actually assessed</p> | |

and the amount admitted by the assessee as assessable), subject to the minimum fee of one hundred rupees.

Table of rates of *ad-valorem* fees leviable on the institution of suits.

When the amount of value of the subject matter exceeds	But does not exceed	Proper fee
1	2	3
Rs.	Rs.	Rs.
1	1000	10
1000	2000	200
2000	3000	300
3000	4000	400
4000	5000	500
5000	6000	600
6000	7000	700
7000	8000	800
8000	9000	900
9000	10000	1000
10000	15000	1250
15000	20000	1500
20000	21000	1525
21000	22000	1600
22000	23000	1675
23000	24000	1750
24000	25000	1825
25000	26000	1900
26000	27000	1975
27000	28000	2050
28000	29000	2125
29000	30000	2200
30000	32000	2375
32000	34000	2500
34000	36000	2650
36000	38000	2800
38000	40000	2950
40000	42000	3100

42000	44000	3250
44000	46000	3400
46000	48000	3550
48000	50000	3700
50000	55000	4000
55000	60000	4300
60000	65000	4600
65000	70000	4900
70000	75000	5200

and the fees increases at the rate of Rs. 150 for every Rs.5000 or part thereof, upto Rs.1,00,000 and over Rs.1,00,000 at the rate of Rs. 200 for every rupees 10,000 or part thereof, upto Rs. 10,00,000 and over Rs. 10,00,000 at the rate of Rs. 1,200 for every Rs.1,00,000 or part thereof, upto Rs.20,00,000 and over Rs.20,00,000 at the rate of Rs.500 for every Rs.1,00,000 or part thereof, upto a maximum fee of Rs.75,000, for example

Rs.	Rs.
100000	5950
200000	7950
300000	9950
400000	11950
500000	13950
600000	15950
700000	17950
800000	19950
900000	21950
1000000	23950
1100000	25150
1200000	26350
1300000	27550
1400000	28750
1500000	29950
1600000	31150
1700000	32350
1800000	33550
1900000	34750
2000000	35950
2100000	36450
2200000	36950

SCHEDULE II
Fixed Fees

Nature of proceeding 1	Description 2	Fees 3
1. Application or petition.	<p>(a) When presented to any officer of the Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject matter of such application relates exclusively to those dealings;</p> <p>or</p> <p>when presented to any officer of land-revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject matter of the application or petition relates exclusively to such engagement;</p> <p>or</p> <p>when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;</p> <p>or</p> <p>when presented to any Civil Court other than a principal Civil Court of original jurisdiction; or to any Court of Small Causes or to a Collector or other officer of revenue or to a public officer in relation to any suit or case in which the amount of value of the subject matter is less than fifty rupees, not being an application for assistance under section 86 of the Bombay Land Revenue Code, 1879 or under any corresponding law for the time being in force;</p> <p>or</p> <p>when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy of translation of any judgment, decree or order passed by such Court, Board or Officer, or of any other document on record in such Court or office.</p>	Three rupees

Bom. V of
1879.

(b) Wen presented to a Collector or other officer of revenue for assistance under section 86 of the Bombay Land Revenue Code, 1879 or under any corresponding law for the time being in force;

Ten rupees.

**Bom. V
of 1879.**

(c) Wen containing a complaint or charge of any offence and presented to any Criminal Court;

Three rupees.

or when presented to a Civil, Criminal or Revenue Court, or to a Collector or any Revenue Officer or to a public officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity and not otherwise provided for by this Act;

or to deposit in Court revenue or rent;

or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.

(d) When presented to any competent authority for the purpose of obtaining a certificate of domicile.

Ten rupees.

(e) When presented to a Chief Controlling Revenue Authority or Executive Authority or to a Commissioner of Revenue or to any Chief Officer charged with the executive administration of a division and not otherwise provided for by this Act.

Twenty-five rupees.

(f) When presented to the High Court---

(i) for directions, orders or writs under article 226 of the Constitution of India for any purpose other than the enforcement of the fundamental rights conferred by Part III thereof;

One hundred rupees.

(ii) for directions, orders or writs under article 226 for the

Fifty rupees.

enforcement of any of the fundamental rights conferred by Part III of the Constitution or for the exercise of its jurisdiction under article 227 thereof;

(iii) in any other case not otherwise provided for by this Act. Twenty rupees.

- 5 of 1908.
- | | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| 2. | Revision application when presented to the High Court under section 115 of the Code of Civil Procedure, 1908 or against the order of the court of Small Causes. | ..... | Fifty rupees. |
| 3. | Application to any Civil Court that records may be called for from another Court. | When the Court grants the application and is of opinion that the transmission of such records involves the use of the post. | Five rupees in addition to any fee levied on the application under clause (a), clause (c) or clause (f) of Article 1 of this Schedule. |
| 4. | First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit for the immediate purpose of being produced in Court. | ..... | Two rupees. |
| 5. | Application for leave to sue as a pauper. | ..... | Five rupees. |

6.	Application for leave to appeal as a pauper.	(a) When presented to a District Court.	Ten rupees.	
		(b) When presented to a Commissioner or the High Court.	Twenty rupees.	
7.	Plaint or memorandum of appeal in a suit to obtain possession under the Mamlatdars' Courts Act, 1906.	.....	Ten rupees.	Bom. II of 1906.
8.	Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.	.....	Ten rupees.	
9.	Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1973, other than section 109 or 110 thereof or under the Code of Civil Procedure, 1908, and not otherwise provided for by this Act.	...	Five rupees.	2 of 1974. 5 of 1908.
10.	Bail-bonds in criminal cases, recognizance to prosecute and recognizances for personal appearance or otherwise.	.....	Two rupees.	
11.	Undertaking under section 49 of the Divorce Act, 1869.	.....	Five rupees.	4 of 1869.

12. *Mukhtarnama* or *Wakalatnama*. When presented for the conduct of any one case,-
- (a) to any Civil or Criminal Court other than a District Court or Court of Session or the High Court or to any Revenue Court or to any Collector or Magistrate or other executive officer; Two rupees.
- (b) to a District Court or Court of Session ; Three rupees.
- (c) to the High Court. Five rupees.
13. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented -
- (a) to any Civil Court other than the High Court or to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue Authority or Executive Authority; Two rupees.
- (b) to the Chief Controlling Executive or Revenue Authority; Five rupees.
- (c) to the High Court. Ten rupees.
14. *Caveat*
- When the amount or value of the property involved does not exceed two thousand rupees. Twenty rupees.
- When the amount or value of the property involved exceeds two thousand rupees. Fifty rupees.
15. Application for permission to cut timber in Government forests, or otherwise relating to such forests. Five rupees.
16. Memorandum of appeal presented to -
- (a) the State Government, Ten rupees.
- (b) any Forest Officer, where such appeal is provided for, by or under the Forest Act, 1927 or any Five rupees.

corresponding law in force.

<p>17. Petition in a suit under the Converts' Marriage Dissolution Act, 1866.</p>	<p>.....</p>	<p>Fifty rupees</p>	<p>21 of 1866.</p>
<p>18. Application –</p> <p>(a) under section 8 of the Arbitration and Conciliation Act, 1996;</p>	<p>....</p>	<p>One hundred rupees.</p>	<p>26 of 1996.</p>
<p>(b) for probate or letters of administration or for revocation thereof under the Succession Act, 1925;</p>	<p>When the amount or value of the estate does not exceed two thousand rupees.</p>	<p>Twenty rupees.</p>	<p>39 of 1925.</p>
<p>(c) for a certificate under Part X of the Succession Act, 1925, or Bombay Regulation VIII of 1827 or any corresponding law for the time being in force;</p>		<p>When it exceeds two thousand rupees,</p>	<p>Forty rupees.</p>	39 of 1925.
<p>(d) for opinion or advice or for discharge from a Trust, or for appointment of new trustees under section 34, 72, 73 or 74 of the Indian Trusts Act, 1882;</p>	<p>.....</p>	<p>Fifty rupees.</p>	<p>2 of 1882.</p>
<p>(e) under rule 58 of Order XXI of the Code of Civil Procedure, 1908, regarding a claim to attached property.</p>	<p>When the amount or value of the property exceeds five hundred rupees.</p>	<p>Fifty rupees.</p>	<p>5 of 1908.</p>

5 of 1908.	<p>19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.</p>	.....	Fifty rupees.
4 of 1869.	<p>20. Every petition under the Divorce Act, 1869, except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act.</p>	.....	Fifty rupees.
3 of 1936. 43 of 1954. 25 of 1955.	<p>21. Complaint, application, petition, or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936, the Special Marriage Act, 1954 or the Hindu Marriage Act, 1955 :</p>	....	Fifty rupees.
	<p>Provided that where in addition to divorce damages are claimed.</p>	.....	<p>A fee as above plus a fee on the amount of damages claimed according to the scale prescribed under Article 1 of Schedule I.</p>
15 of 1872.	<p>22. Petitions under sections 45 and 48 of the Christian Marriage Act, 1872.</p>	.....	Fifty rupees.
	<p>23. Complaint, petition or application (including memorandum of appeal) which is capable of being treated as a suit –</p>		

(a)	for annulment of marriage;	.....	Fifty rupees.
(b)	for dissolution of marriage;	.....	Fifty rupees.
(c)	in suit for custody of minor;	.....	Twenty rupees.
(d)	for restitution of conjugal rights;	.....	Fifty rupees.
(e)	for judicial separation ;	.....	Fifty rupees.
(f)	in or to any Civil Court not otherwise provided for and the subject matter of which is not capable of being estimated in money value.	.....	One hundred rupees.
24.	Copy or translation of a judgement or order not being, or having the force, of a decree.	When such judgement or order is given or made by any Civil Court or by any Revenue Court.	Two rupees.
		When such judgement or order is given or made by the High Court.	Five rupees.
25.	Copy of a decree or Order having the force of a decree.	When such decree or order is made by any Civil Court or by any Revenue Court;	Five rupees.
		When such decree or order is made by the District Court.	Ten rupees.
		When such decree or order is made by the High Court.	Fifteen rupees.
26.	Copy of any document (including power of attorney) liable to stamp duty under the Bombay Stamp Act, 1958, or the Stamp Act, 1929.	(a) When the stamp duty chargeable on the original does not exceed one rupee.	The amount of the duty chargeable on the original.
		(b) In any other case.	Ten rupees.

2 of 1899.	Act, 1899 or any corresponding law in force, as the case may be, when left by any party to a suit or proceeding in place of the original withdrawn.		
27.	Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or office, or from the office of any Chief Officer charged with the executive administration of a division.	For every three hundred and sixty words or fraction thereof.	Two rupees.
Bom. 31 of 1947.	28. Application made under the Bombay Money- lenders Act, 1946 or under any corresponding law in force.	.....	Ten rupees.
	29. Application presented to any Registration Officer for search of registration records.	....	Five rupees.
16 of 1908.	30. Appeal or application to the Registrar under section 72 or 73, as the case may be, of the Registration Act, 1908.	Five rupees.

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------------------|--------------------------------|
| <p>31. Application for a licence under sub-clause (i) of clause (w) of sub-section(1) of section 33 of the Bombay Police Act, 1951, or any corresponding law in force.</p> | <p>.....</p> | <p>Five rupees.</p> | <p>Bom. 22 of 1951.</p> |
| <p>32. Application or appeal to the Regional or State Transport Authority or the State Government under Chapter V of the Motor Vehicles Act, 1988.</p> | <p>.....</p> | <p>Ten rupees.</p> | <p>59 of 1988.</p> |
| <p>33. Election petition questioning the election of a person in respect of the office –</p> | | | |
| <p>(a) of <i>Sarpanch</i> or <i>Upa-Sarpanch</i> or member of a Panchayat;</p> | <p>.....</p> | <p>Fifty rupees.</p> | |
| <p>(b) of councilor or member of a Municipality, District Local Board or such other Local Authority;</p> | <p>.....</p> | <p>One hundred rupees.</p> | |
| <p>(c) of Mayor or Deputy Mayor or councilor of a Municipal Corporation or President, Vice-President, Chairman or Vice-Chairman or any local authority referred to in clause (b).</p> | <p>.....</p> | <p>Five hundred rupees.</p> | |

1 of 1956.	34. Application or petition to the Court under section 391, 439 or 522 of the Companies Act, 1956.	.....	One hundred rupees.
	Any other application or petition to the Court for judicial action or relief under the said Act, not otherwise provided for under this Act.	.....	Fifty rupees.
	35. Application – (a) for order of arrest or attachment before judgement or for temporary injunction;	.....	Ten rupees.
	(b) for compensation for arrest or attachment before judgement or in respect of temporary injunction obtained on insufficient grounds;	.....	Ten rupees.
	(c) for the appointment of a receiver in a case in which the applicant has no present right of possession of the property in dispute;	.....	Ten rupees.
	(d) for setting aside decree passed <i>ex- parte</i> or for review of order	.....	Ten rupees.

	dismissing suit for default.		
36.	Appeal or application to the Co-operative Tribunal.	.....	Twenty rupees.
37.	Application made by a party to the Magistrate under section 145 of the Code of Criminal Procedure, 1973.	.....	Twenty rupees. 2 of 1974.
38.	Application for enrolment under the Advocates Act, 1961.	.....	Twenty-five rupees. 25 of 1961.
39.	Application for adjournment presented to the Court in any proceedings.	.....	Two rupees.

SCHEDULE III

(See section 29)

Form of valuation (to be used with such modifications, if any, as may be necessary).

IN THE COURT OF
RE-PROBATE of the Will of
the property and credits of

(or Administration of
,) deceased.

I,

solemnly affirm
make oath

and say that I am the executor (or one of the executors or one of the next of kin) of , deceased, and that I have truly set forth in Annexure A to this affidavit all the property and credit of which the above named deceased died possessed or was entitled to at the time of his death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B all the items I am by law allowed to deduct.

3. I further say that the said assets, exclusive only of such last mentioned items but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased, are under the value of -

ANNEXURE A

VALUATION OF THE MOVEABLE AND IMMOVEABLE PROPERTY OF THE DECEASED

Rs. .

Cash in the house and at the banks,
household goods, wearing apparel, books,
plate, jewels, etc.

*(State estimated value according to best of
Executor's or Administrator's belief).*

Property in Government securities transferable
at the Public Debt Office.

*(State description and value at the price of
the day; also the interest separately,
calculating it to the time of making the application).*

Immoveable property consisting of

*(State description, giving, in the case of
houses the assessed value, if any, and
the number of years' assessment the
market-value is estimated at, and in
the case of land, the area, the market
-value and all rents that have accrued).*

Leasehold property

*(If the deceased held any leases for years
determinable, state the number of years'
purchase the profit rents are estimated to
be worth and the value of such, inserting
separately arrears due at the date of death
and all rents received or due since that date
to the time of making the application).*

Property in public companies

(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application).

Policy of insurance upon life, money out on mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money

(State the amount of the whole; also the interest separately, calculating it to the time of making the application).

Books-debts
(other than bad).

Stock-in-trade
(State the estimated value, if any).

Other property not comprised under the foregoing heads ..
(State the estimated value, if any). _____

Total : _____

Deduct amount shown in Annexure B not subject to duty _____

Net Total : _____

ANNEXURE B

SCHEDULE OF DEBTS, ETC.

Rs.

Amount of debts due and owing from the deceased, payable by law out of the estate

Amount of funeral expenses

Amount of mortgage incumbrances

Property held in trust not beneficially or with general power to confer a beneficial interest

Other property not subject to duty _____

Total : _____
