



The Karnataka Court Fees and Suits Valuation Act, 1958

Act 16 of 1958

Keyword(s):

Appeal, Chief Controlling Revenue Authority, Court, Court Fee, Expressions

Amendment appended: 10 of 2003, 9 of 2015

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Preamble 1 - - KARNATAKA COURT-FEES AND SUITS VALUATION ACT, 1958

THE¹KARNATAKA COURT-FEES AND SUITS VALUATION ACT, 1958

[Act, No. 16 of 1958]¹

[23rd May, 1958]

PREAMBLE

(First published in the¹Karnataka Gazette on the Twenty-sixth Day of May 1958)

An Act to amend and consolidate the laws relating to court fees and valuation of suits in the State of¹Karnataka

Whereas it is necessary and expedient to amend and consolidate the laws relating to court-fees and valuation of suits in the State of¹Karnataka.

Be it enacted by the¹Karnataka State Legislature in the Ninth Year of the Republic of India as follows:

1. Adapted for "Mysore" by Adaptations of Laws Order 1973.

Chapter I - - PRELIMINARY

(1) This Act may be called the¹Karnataka Court-fees and suits Valuation Act, 1958.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force on such date²as the State Government may, by notification in the Official Gazette, appoint.

1. Adapted for "Mysore" by Adaptations of Laws Order 1973.

2. This Act has come into force on 15-8-1960 vide "Notification No. HD 3 JCF 58, dated 5-8-1960, KGD 11-8-1960.

Section 2 - Application of Act

(1) The provisions of this Act shall not apply to documents presented or to be presented before an officer serving under the Central Government.

(2) Where any other law contains provisions relating to the levy of fee in respect of proceedings under such other law, the provisions of this Act relating to the levy of fee in respect of such proceedings shall apply subject to the said provisions of such other law.

Section 3 - Definitions

In this Act, unless the context otherwise requires:

(i) "appeal" includes a cross-objection;

¹ [(ia) "Chief Controlling Revenue Authority" means the officer appointed by the State Government to be the Commissioner of Stamps for ² Karnataka;

(ii) "court" means any civil, revenue or criminal court and includes a Tribunal or other authority having jurisdiction under any special or local law to decide questions affecting the rights of parties;

(iii) "prescribed" means prescribed by rules made under this Act; and

(iv) expressions used and not defined in this Act or in the ² Karnataka General Clauses Act, 1899 (² Karnataka Act III of 1899), but defined in the Code of Civil Procedure, 1908 (Central Act V of 1908), shall have the meanings respectively assigned to them in the said Code.

1. Clause (i-a) Inserted by Act 10 of 1964, w.e.f. 5-3-1964.

2. Adapted for "Mysore" by Adaptations of Laws Order 1973.

Section 1 - - Short title, extent and commencement

(1) This Act may be called the ¹Karnataka Court-fees and suits Valuation Act, 1958.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force on such date ²as the State Government may, by notification in the Official Gazette, appoint.

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(2) Where any other law contains provisions relating to the levy of fee in respect of proceedings under such other law, the provisions of this Act relating to the levy of fee in respect of such proceedings shall apply subject to the said provisions of such other law.

Section 3 - - Definitions

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(i) "appeal" includes a cross-objection;

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1. Clause (i-a) Inserted by Act 10 of 1964, w.e.f. 5-3-1964.

2. Adapted for "Mysore" by Adaptations of Laws Order 1973.

Chapter II - - LIABILITY TO PAY FEE

No document which is chargeable with fee under this Act shall:

(i) be filed, exhibited or recorded in, or be acted on or furnished by, any court including the High Court, or

(ii) be filed, exhibited or recorded in any public office, or be acted on or furnished by any public officer,

unless in respect of such document there be paid a fee of an amount not less than that indicated as chargeable under this Act:

Provided that, 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 court necessary to prevent a failure of justice, nothing contained in this section shall be deemed to prohibit such filing or exhibition:

¹[Provided further that no fee shall be payable in respect of any document filed, exhibited or recorded by or on behalf of the State Government or any officer of the State Government in his official capacity, or acted on at the instance of or furnished to the State Government or any officer of the State Government in his official capacity.]

1. Second proviso Added by Act 10 of 1964, w.e.f. 5-3-1964.

Section 5 - Fees on documents inadvertently received

When a document on which the whole or any part of the fee prescribed by this Act has not been paid is produced or has, through mistake or inadvertence, been received in any court or public office, the court or the head of the office may, in its or his discretion, at any time, allow the person by whom such fee is payable to pay the fee or part thereof, as the case may be, within such time as may be fixed; and upon such payment, the document shall have the same force and effect as if the full fee had been paid in the first instance.

Section 6 - Multifarious suits

(1) In any suit in which separate and distinct reliefs based on the same cause of action are sought, the plaint shall be chargeable with a fee on the aggregate value of the reliefs:

Provided that, if a relief is sought only as ancillary to the main relief, the plaint shall be chargeable only on the value of the main relief.

(2) Where more reliefs than one based on the same cause of action are sought in the alternative in any suit, the plaint shall be chargeable with the highest of the fees leviable on the reliefs.

(3) Where a suit embraces two or more distinct and different causes of action and separate reliefs are sought based on them, either alternatively or cumulatively, the plaint shall be chargeable with the aggregate amount of the fees with which plaints would be chargeable under this Act if separate suits were instituted in respect of the several causes of action:

Provided that, where the causes of action in respect of reliefs claimed alternatively against the same person arise out of the same transaction, the plaint shall be chargeable only with the highest of the fees chargeable on them.

Nothing in this sub-section shall be deemed to affect any power conferred upon a court under Rule 6 of Order II of the Code of Civil Procedure, 1908 (Central Act V of 1908).

(4) The provisions of this section shall apply mutatis mutandis to memoranda of appeals, applications, petitions and written statements.

Explanation: For the purpose of this section, a suit for possession of immovable property and for mesne profits shall be deemed to be based on the same cause of action.

Section 7 - Determination of market value

(1) Save as otherwise provided, where the fee payable under this Act depends on the market value of any property, such value shall be determined as on the date of presentation of the plaint.

(2) The market value of land in suits falling under section 24 (a), 24 (b), 26 (a), 27, 28, 29, 31, 35(1), 35(2), 35(3), 36, 38, 39 or 45 shall be deemed to be-

(a) Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such an estate and is recorded in the Deputy Commissioner's register as separately assessed with such revenue and such revenue is permanently settled - twenty-five times the revenue so payable:

(b) Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid, and such revenue is settled, but not permanently-twelve and a half times the revenue so payable;

(c) where the land pays no such revenue, or has been partially exempted from such payment, or is charged with any fixed payment in lieu of such revenue, fifteen times the net profits if any from the land during the year before the date of presenting the plaint or thirty times the revenue payable on the same extent of similar land in the neighbourhood, whichever is lower;

(d) where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as above mentioned or the land is a garden or the land is a house, site whether assessed to full revenue or not, or is land not falling within the foregoing description-the market value of the land.

Explanation: The word "estate", as used in this section means any land subject to the payment of revenue, for which the proprietor or farmer or raiyat shall have executed a separate engagement to Government, or which in the absence of such engagement, shall have been separately assessed with revenue.

Section 8 - Set off or counter claim

A written statement pleading a set off or counter claim shall be chargeable with fee in the same manner as a plaint.

Section 9 - Documents falling under two or more descriptions

Subject to the provisions of the last preceding section, a document falling within two or more descriptions in this Act shall, where the fees chargeable thereunder are different, be chargeable only with the highest of such fees:

Provided that, where one of such descriptions is special and other general, the fee chargeable shall be the fee appropriate to the special description.

Section 4 - - Levy of fee in courts and public offices

No document which is chargeable with fee under this Act shall:

(i) be filed, exhibited or recorded in, or be acted on or furnished by, any court including the High Court, or

(ii) be filed, exhibited or recorded in any public office, or be acted on or furnished by any public officer,

unless in respect of such document there be paid a fee of an amount not less than that indicated as chargeable under this Act:

Provided that, 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 court necessary to prevent a failure of justice, nothing contained in this section shall be deemed to prohibit such filing or exhibition:

¹[Provided further that no fee shall be payable in respect of any document filed, exhibited or recorded by or on behalf of the State Government or any officer of the State Government in his official capacity, or acted on at the instance of or furnished to the State Government or any officer of the State Government in his official capacity.]

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Provided that, if a relief is sought only as ancillary to the main relief, the plaint shall be chargeable only on the value of the main relief.

(2) Where more reliefs than one based on the same cause of action are sought in the alternative in any suit, the plaint shall be chargeable with the highest of the fees leviable on the reliefs.

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suits were instituted in respect of the several causes of action:

Provided that, where the causes of action in respect of reliefs claimed alternatively against the same person arise out of the same transaction, the plaint shall be chargeable only with the highest of the fees chargeable on them.

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(a) Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such an estate and is recorded in the Deputy Commissioner's register as separately assessed with such revenue and such revenue is permanently settled - twenty-five times the revenue so payable:

(b) Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid, and such revenue is settled, but not permanently-twelve and a half times the revenue so payable;

(c) where the land pays no such revenue, or has been partially exempted from such payment, or is charged with any fixed payment in lieu of such revenue, fifteen times the net profits if any from the land during the year before the date of presenting the plaint or thirty times the revenue payable on the same extent of similar land in the neighbourhood, whichever is lower;

(d) where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as above mentioned or the land is a garden or the land is a house, site whether assessed to full revenue or not, or is land not falling within the foregoing description-the market value of the land.

Explanation: The word "estate", as used in this section means any land subject to the payment of revenue, for which the proprietor or farmer or raiyat shall have executed a separate engagement to Government, or which in the absence of such engagement, shall have been separately assessed with revenue.

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Subject to the provisions of the last preceding section, a document falling within two or more descriptions in this Act shall, where the fees chargeable thereunder are different, be chargeable only with the highest of such fees:

Provided that, where one of such descriptions is special and other general, the fee chargeable shall be the fee appropriate to the special description.

Chapter III - - DETERMINATION OF FEE

In every suit in which the fee payable under this Act on the plaint depends on the market value of the subject-matter of the suit, plaintiff shall file with the plaint a statement in the prescribed form, of particulars of the subject-matter of the suit and his valuation thereof unless such particulars and the valuation are contained in the plaint.

Section 11 - Decision as to proper fee in courts

(1) In every suit instituted in any court, the court shall, before ordering the plaint to be registered, decide on the materials and allegations contained in the plaint and on the materials contained in the statement, if any, filed under section 10 the proper fee payable thereon, the decision being however subject to review, further review, and correction in the manner specified in the succeeding sub-sections.

(2) Any defendant may, by his written statement filed before the first hearing of the suit or before evidence is recorded on the merits of the claim but, subject to the next succeeding sub-section, not later, plead that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient. All questions arising on such pleas shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim. If the court decides that the subject matter of the suit has not been properly valued or that the fee paid is not sufficient, the court shall fix a date before which the plaint shall be amended in accordance with the Court's decision and the deficit fee shall be paid. If the plaint be not amended or if the deficit fee be not paid within the time allowed, the plaint shall be rejected and the court shall pass such order as it deems just regarding costs of the suit.

(3) A defendant added after issues have been framed on the merits of the claim may, in the written statement filed by him, plead that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient. All questions arising on such pleas shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim, and if the court finds that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient, the court shall follow the procedure laid down in sub-section (2).

Explanation: Nothing in this sub-section shall apply to a defendant added as a successor or a representative in interest of a defendant who was on record before issues were framed on the merits of the claim and who had an opportunity to file a written statement pleading that the subject-matter of the suit was not properly valued or that the fee paid was not sufficient.

(4) (a) Whenever a case comes up before a court of appeal, it shall be lawful for the court, either on its own motion or on the application of any of the parties, to consider the correctness of any order

passed by the lower court affecting the fee payable on the plaint or in any other proceeding in the lower court and determine the proper fee payable thereon.

Explanation: A case shall be deemed to come before a court of appeal even if the appeal relates only to a part of the subject-matter of the suit.

(b) If the court of appeal decides that the fee paid in the lower court is not sufficient, the court shall require the party liable to pay the deficit fee within such time as may be fixed by it.

(c) If the deficit fee is not paid within the time fixed and the default is in respect of a relief which has been dismissed by the lower court and which the appellant seeks in appeal, the appeal shall be dismissed, but if the default is in respect of a relief which has been decreed by the lower court, the deficit fee shall be recoverable as if it were an arrear of land revenue.

(d) If the fee paid in the lower court is in excess, the court, shall direct the refund of the excess to the party who is entitled to it.

(5) All questions as to value for the purpose of determining the jurisdiction of courts arising on the written statement of a defendant shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim.

Explanation: In this section, the expression "merits of the claim" refers to matters which arise for determination in the suit, not being matters relating to the frame of the suit, misjoinder of parties and causes of action, the jurisdiction of the court to entertain or try the suit or the fee payable, but inclusive of matters arising on pleas or res judicata, limitation and the like.

Section 12 - Additional fee on issues framed

Where a party becomes liable to pay additional fee by reason of an issue framed in the suit, the provisions of the last foregoing section shall apply to the determination and levy of such additional fee subject to the modification that where the party liable does not pay such additional fee within the time allowed, the court shall strike off the issue and proceed to hear and decide the other issues in the case.

Section 13 - Relinquishment of portion of claim

A plaintiff who has been called upon to pay additional fee may relinquish a part of his claim and apply to have the plaint amended so that the fee paid would be adequate for the claim made in the plaint as amended. The court shall allow such application on such terms as it considers just and shall proceed to hear and decide the claim made in the plaint as amended, provided that the plaintiff shall not be permitted at any later stage of the suit to add to the claim the part so relinquished.

Section 14 - Fee payable on written statements

Where fee is payable under this Act on a written statement filed by a defendant, the provisions of section 11 shall apply to the determination and levy of the fee payable on such written statement, the defendant concerned being regarded for the said purpose as the plaintiff and the plaintiff or the co-defendant or the third party, against whom the claim is made being regarded as the defendant.

Section 15 - Fee payable on appeals, etc.

The provisions of sections 10 to 13 relating to the determination and levy of fee on plaints in suits shall apply mutatis mutandis to the determination and levy of fee in respect of a memorandum of

appeal, cross-objection or other proceeding in second appeal.

Section 16 - Fee payable on petitions, applications, etc.

The provisions of sections 10 to 13 shall apply mutatis mutandis to the determination and levy of fee in respect of petitions, applications and other proceedings in courts in the same way as they apply to the determination and levy of fee on plaints in suits.

Section 17 - Court-fee examiners

(1) The High Court may depute officers to be designated Court-fee Examiners to inspect the records of subordinate courts with a view to examine the correctness of representations made to, and orders passed by, courts on questions relating to valuation of subject-matter and sufficiency of fee in respect of proceedings in such courts.

(2) Questions raised in reports submitted by such Court-fee Examiners and relating to any suit, appeal or other proceeding pending in a court shall be heard and decided by such court; and for the avoidance of doubt it is hereby declared that in hearing and deciding a question raised in any such report, it shall be lawful for the court to review an earlier decision given by the court on the same question.

Section 18 - Inquiry and commission

For the purpose of deciding whether the subject-matter of a suit or other proceeding has been properly valued or whether the fee paid is sufficient, the court may hold such inquiry as it considers proper and may, if it thinks fit, issue a commission to any proper person directing him to make such local or other investigation as may be necessary and to report thereon to the court.

Section 19 - Notice to the State Government

In any inquiry, relating to the fee payable on a plaint, written statement, petition, memorandum of appeal or other document, or to the valuation of the subject-matter of the claim to which the plaint, written statement, petition, memorandum of appeal or other document relates, in so far as such valuation affects the fee payable, the court may, if it considers it just or necessary to do so, give notice to the State Government together with a copy of any of the documents aforesaid; and where such notice is given the State Government shall be deemed to be a party to the suit or other proceeding as respects the determination of the question or questions aforesaid; and the court's decision on such question or questions shall, when it passes a decree or final order in such suit or proceeding, be deemed to form part of such decree or final order.

Section 10 - - Statement of particulars of subject-matter of suit and plaintiff's valuation thereof

In every suit in which the fee payable under this Act on the plaint depends on the market value of the subject-matter of the suit, plaintiff shall file with the plaint a statement in the prescribed form, of particulars of the subject-matter of the suit and his valuation thereof unless such particulars and the valuation are contained in the plaint.

Section 11 - - Decision as to proper fee in courts

(1) In every suit instituted in any court, the court shall, before ordering the plaint to be registered, decide on the materials and allegations contained in the plaint and on the materials contained in the statement, if any, filed under section 10 the proper fee payable thereon, the decision being however subject to review, further review, and correction in the manner specified in the succeeding sub-sections.

(2) Any defendant may, by his written statement filed before the first hearing of the suit or before evidence is recorded on the merits of the claim but, subject to the next succeeding sub-section, not later, plead that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient. All questions arising on such pleas shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim. If the court decides that the subject matter of the suit has not been properly valued or that the fee paid is not sufficient, the court shall fix a date before which the plaint shall be amended in accordance with the Court's decision and the deficit fee shall be paid. If the plaint be not amended or if the deficit fee be not paid within the time allowed, the plaint shall be rejected and the court shall pass such order as it deems just regarding costs of the suit.

(3) A defendant added after issues have been framed on the merits of the claim may, in the written statement filed by him, plead that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient. All questions arising on such pleas shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim, and if the court finds that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient, the court shall follow the procedure laid down in sub-section (2).

Explanation: Nothing in this sub-section shall apply to a defendant added as a successor or a representative in interest of a defendant who was on record before issues were framed on the merits of the claim and who had an opportunity to file a written statement pleading that the subject-matter of the suit was not properly valued or that the fee paid was not sufficient.

(4) (a) Whenever a case comes up before a court of appeal, it shall be lawful for the court, either on its own motion or on the application of any of the parties, to consider the correctness of any order passed by the lower court affecting the fee payable on the plaint or in any other proceeding in the lower court and determine the proper fee payable thereon.

Explanation: A case shall be deemed to come before a court of appeal even if the appeal relates only to a part of the subject-matter of the suit.

(b) If the court of appeal decides that the fee paid in the lower court is not sufficient, the court shall require the party liable to pay the deficit fee within such time as may be fixed by it.

(c) If the deficit fee is not paid within the time fixed and the default is in respect of a relief which has been dismissed by the lower court and which the appellant seeks in appeal, the appeal shall be dismissed, but if the default is in respect of a relief which has been decreed by the lower court, the deficit fee shall be recoverable as if it were an arrear of land revenue.

(d) If the fee paid in the lower court is in excess, the court, shall direct the refund of the excess to the party who is entitled to it.

(5) All questions as to value for the purpose of determining the jurisdiction of courts arising on the written statement of a defendant shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim.

Explanation: In this section, the expression "merits of the claim" refers to matters which arise for determination in the suit, not being matters relating to the frame of the suit, misjoinder of parties and causes of action, the jurisdiction of the court to entertain or try the suit or the fee payable, but

inclusive of matters arising on pleas or res judicata, limitation and the like.

Section 12 - - Additional fee on issues framed

Where a party becomes liable to pay additional fee by reason of an issue framed in the suit, the provisions of the last foregoing section shall apply to the determination and levy of such additional fee subject to the modification that where the party liable does not pay such additional fee within the time allowed, the court shall strike off the issue and proceed to hear and decide the other issues in the case.

Section 13 - - Relinquishment of portion of claim

A plaintiff who has been called upon to pay additional fee may relinquish a part of his claim and apply to have the plaint amended so that the fee paid would be adequate for the claim made in the plaint as amended. The court shall allow such application on such terms as it considers just and shall proceed to hear and decide the claim made in the plaint as amended, provided that the plaintiff shall not be permitted at any later stage of the suit to add to the claim the part so relinquished.

Section 14 - - Fee payable on written statements

Where fee is payable under this Act on a written statement filed by a defendant, the provisions of section 11 shall apply to the determination and levy of the fee payable on such written statement, the defendant concerned being regarded for the said purpose as the plaintiff and the plaintiff or the co-defendant or the third party, against whom the claim is made being regarded as the defendant.

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Section 17 - - Court-fee examiners

(1) The High Court may depute officers to be designated Court-fee Examiners to inspect the records of subordinate courts with a view to examine the correctness of representations made to, and orders passed by, courts on questions relating to valuation of subject-matter and sufficiency of fee in respect of proceedings in such courts.

(2) Questions raised in reports submitted by such Court-fee Examiners and relating to any suit, appeal or other proceeding pending in a court shall be heard and decided by such court; and for the avoidance of doubt it is hereby declared that in hearing and deciding a question raised in any such report, it shall be lawful for the court to review an earlier decision given by the court on the same question.

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Chapter IV - - COMPUTATION OF FEE

The fee payable under this act shall be determined or computed in accordance with the provisions of

this Chapter, Chapter VI, Chapter VIII and Schedules I and II.

Section 21 - Suits for money

In a suit for money (including a suit for damages or compensation, or arrears of maintenance of annuities, or of other sums payable periodically), fee shall be computed on the amount claimed.

Section 22 - Suits for maintenance and annuities

In the suits here in after mentioned, fee shall be computed as follows:

- (a) in a suit for maintenance, on the amount claimed to be payable for one year;
- (b) in a suit for enhancement or reduction of maintenance, on the amount by which the annual maintenance is sought to be enhanced or reduce;
- (c) in a suit for annuities or other sums payable periodically, on five times the amount claimed to be payable for one year:

Provided that, where the annuity is payable for less than five years, the fee shall be computed on the aggregate of the sums payable:

Provided further that a suit for enhancement of maintenance shall be instituted in a court which will have jurisdiction to receive a suit for maintenance at the enhanced rate claimed and one for reduction of maintenance shall be instituted in a court which will have jurisdiction to receive a suit for maintenance at the rate which is sought to be reduced.

Section 23 - Suits for moveable property

(1) In a suit for moveable property other than documents of title, fee shall be computed-

- (a) where the subject-matter has a market value, on such value; or
- (b) where the subject-matter has no market value, on the amount at which the relief sought is valued in the plaint;

Provided that where the suit is for goods pledged as security for payment of a debt, the fee shall be computed on the amount of debt.

(2) (a) In the suit for possession of documents of title, fee shall be computed on one-eighth of the amount or of the market value of the property secured by the document,

(i) where the plaint alleges denial of the plaintiff's title to the money or the property secured by the document, or

(ii) where an issue is framed regarding the plaintiff's title to the money or the property secured by the document:

Provided that where the allegation in the plaint or the issue framed relates only to

a portion of the amount or property, fee shall be computed on one-eighth of such portion of the amount or on one-eighth of the market value of such portion of the property.

(b) In a suit for possession of documents of title where the plaintiff's title to the money or the property secured by the document is not denied, fee shall be computed on the amount at which the relief sought is valued in the plaint

Explanation: The expression "document of title" means a document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, in any property.

Section 24 - Suits for declaration

In a suit for a declaratory decree or order, whether with or without consequential relief, not falling under Section 25

(a) Where the prayer is for a declaration and for possession of the property to which the declaration relates, fee shall be computed on the market value of the property or on¹[rupees one thousand] whichever is higher;

(b) Where the prayer is for a declaration and for consequential injunction and the relief sought is with reference to any immovable property, fee shall be computed on one-half of the market value of the property or on¹[rupees one thousand] whichever is higher;

(c)²[x x x x x]

(d) in other cases, whether the subject-matter of the suit is capable of valuation or not, fee shall be computed on the amount at which the relief sought is valued in the plaint or on³[rupees one thousand] whichever is higher.

1. Substituted by Act No. 13 of 1982 for the words "rupees one hundred", w.e.f. 1-4-1982.

2. "Clause (c) Omitted by Act No.13 of 1982, w.e.f. 1-4-1982.

*Previous Reference: (c) where the prayer relates to the plaintiff's exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other thing and is based on an infringement of such exclusive right, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees five hundred, whichever is higher;

3. Substituted by Act No. 13 of 1982, for the words "rupees two hundred and fifty", . w.e.f. 1-4-1982.

Section 25 - Adoption suits

In a suit for a declaration in regard to the validity or invalidity of an adoption or the factum of an adoption, fee shall be payable at the following rates:

(a)	¹ [xxx] In a Court of Munisiff ² [xxx] when the market value of the property involved in or affected by the relief does not exceed Rs. 5,000	Rupees Twenty-five
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(b)(i)	In the Court of ³ [Munsiff] when the market value of the property involved in or affected by the relief exceeds rs. 5,000 and	Rupees one hundred if the market value of the property involved in or affected by the relief is Rs. 15,000 or less and
(ii)	In any Court other than the Court specified in (a) ⁴ [xxx]	rupees two hundred and fifty if it is above Rs. 15,000

1. The brackets and figure "(i)" Omitted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1-11-1973.

2. The words, figures and brackets "or District Munsiff; and (ii) In a Court of Civil Judge, Junior Division" Omitted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1-11-1973.

3. Substituted for the words "Civil Judge, Junior Division" by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1-11-1973.

4. The brackets and figure "(i)" Omitted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1-11-1973.

Section 26 - Suits for injunction

In a suit for injunction-

(a) Where the relief sought is with reference to any immovable property, and

(i) Where the plaintiff alleges that his title to the property is denied, or

(ii) Where an issue is framed regarding the plaintiff's title to the property, fee shall be computed on one-half of the market value of the property or on¹[rupees one thousand] whichever is higher;

(b)²[xxx]

(c) in any other case, whether the subject-matter of the suit has a market value or not, fee shall be computed on the amount at which the relief sought is valued in the plaint or on³[rupees one thousand], whichever is higher.

1. Substituted by Act No. 13 of 1982 for the words "rupees one hundred", w.e.f. 1-4-1982.

2. *Omitted by Act No. 13 of 1982, w.e.f. 1-4-1982.

*Previous Reference: 26(b) where the prayer relates to the plaintiff's exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other thing and is based on an infringement of such exclusive right, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees five hundred, whichever is higher;

3. Substituted by Act No.21 of 1979 , w.e.f. 31-3-1979; for the words "rupees one hundred".

Section 27 - Suits relating to trust property

In a suit for possession or joint possession of trust property or for a declaratory decree, whether with or without consequential relief in respect of it, between trustees or rival claimants to the office of trustee or between a trustee and a person who has ceased to be trustee, fee shall be computed on one-fifth of the market value of the property subject to a maximum fee of rupees two hundred or where the property has no market value, on rupees one thousand:

Provided that, where the property does not have a market value, value for the purpose of determining the jurisdiction of courts shall be such amount as the plaintiff shall state in the plaint.

Explanation: For the purpose of this section, property comprised in Hindu, Muslim or other religious or charitable endowment shall be deemed to be trust property and the manager of any such property shall be deemed to be the trustee thereof.

Section 28 - Suits for possession under the Specific Relief Act, 1877

In a suit for possession of immovable property under section 9 of the Specific Relief Act, 1877 (Central Act I of 1877), fee shall be computed on one-half of the market value of the property or on¹[rupees one thousand] whichever is higher.

1. Substituted by Act No. 13 of 1982 for the words "rupees one hundred", w.e.f. 1-4-1982.

Section 29 - Suits for possession not otherwise provided for

In a suit for possession of immovable property not otherwise provided for, fee shall be computed on the market value of the property or on¹[rupees one thousand], whichever is higher.

1. Substituted by Act No. 13 of 1982 for the words "rupees one hundred", w.e.f. 1-4-1982.

Section 30 - Suits relating to easements

In a suit relating to an easement, whether by the dominant or the servient owner, fee shall be computed on the amount at which the relief sought is valued in the plaint, which amount shall in no case be less than¹[rupees one thousand]:

Provided that, where compensation is claimed besides other relief relating to such easement, fee shall be paid on the amount claimed as compensation in addition to the fee payable on such other relief.

1. Substituted by Act No. 21 of 1979 , w.e.f. 31-3-1979; for the words "rupees one hundred".

Section 31 - Pre-emption suits

In a suit to enforce a right of pre-emption, fee shall be computed on the amount of the consideration for the sale which the pre-emptor seeks to avoid or on the market value, whichever is less.

Section 32 - Suits relating to mortgages

(1) In a suit to recover the money due on a mortgage, fee shall be computed on the amount claimed.

Explanation: It is immaterial that sale of the mortgaged property is not prayed for.

(2) Where, in such a suit, the holder of a prior mortgage or charge is impleaded and he prays in his written statement that the amount due on his mortgage or charge be determined and that the decree contain, a direction for the payment of such amount to him, fee shall be payable on the written statement computed on the amount claimed:

Provided that, where the holder of the mortgage or charge has paid a fee in any other proceeding on the claim to which his written statement relate, credit shall be given for the fee paid by him in such other proceeding.

(3) Where, in such a suit, the mortgaged property is sold and the holder of a prior or subsequent mortgage or charge applies for payment to him, out of the sale proceeds, of the amount due on his mortgage or charge, such holder of the prior or subsequent mortgage or charge shall pay on his application a fee computed on the amount claimed by him:

Provided that, where such holder of the mortgage or charge is a party to the suit in which the sale was held and has paid fee on the written statement filed by him in the suit, no fee shall be payable by him on the application for payment out of the sale proceeds:

provided further that, where the holder of the mortgage or charge, not being a party to the suit in which the sale is held, has paid a fee in any other proceeding on the claim to which his application relates, credit shall be given for the fee paid by him in such other proceeding.

(4) In a suit by a co-mortgagee for the benefit of himself and the other co-mortgagee fee, shall be computed on the amount claimed on the entire mortgage:

Provided that, where a co-mortgagee impleaded as defendant in such suit claims on the entire mortgage a larger sum than is claimed in the plaint, the difference between the fee computed on the entire sum claimed in such defendant's written statement and the fee computed on the entire sum claimed in the plaint shall be payable on the written statement.

Explanation: Nothing in this sub-section shall be construed as affecting the law of limitation.

(5) (a) in a suit by a sub-mortgagee to recover the amount claimed on the sub-mortgage by sale of the mortgagee's interest in the mortgaged property, fee shall be computed on the amount claimed under the sub-mortgage.

(b) In a suit by a sub-mortgagee, if the prayer is for the sale of the property mortgaged to the original mortgagee and the original mortgagor is also impleaded as a defendant, fee shall be computed on the entire amount claimed on the original mortgage which is sub-mortgaged to him.

(6) Where the holder of a prior or subsequent mortgage or charge is impleaded in a suit by a co-mortgagee to which sub-section (4) applies, or in a suit by a sub-mortgagee to which sub-section (5) applies, the provisions of sub-section (2) and (3) shall apply mutatis mutandis to a written statement or an application filed by such holder or mortgage or charge.

(7) Where the original mortgagee who is impleaded in a suit to which the provisions of sub-section (5) (b) apply claims on the mortgage sub-mortgaged by him a larger amount than is claimed in the plaint, the provisions of sub-section (4) shall apply mutatis mutandis to the written statement of such mortgagor.

(8) In a suit against a mortgagee for redemption of a mortgage, fee shall be computed on the amount due to the mortgagee as stated in the plaint or on one-fourth of the principal amount secured under the mortgage, whichever is higher.

Provided that, where the amount due on the mortgage is found to be more than the amount on which fee has been paid by the plaintiff, no decree shall be passed until the deficit fee is paid:

Provided further that, in the case of a usufructuary or anomalous mortgage, if the plaintiff prays for redemption as well as for accounts of surplus profits, fee shall be levied separately on the relief for accounts as in a suit for accounts.

(9) in a suit by a mortgagee to foreclose the mortgage or, where the mortgage is made by conditional sale, to have the sale declared absolute, fee shall be computed on the amount claimed in the plaint by way of principal and interest.

Section 33 - Suits for accounts

(1) In a suit for accounts, fee shall be computed on the amount sued for as estimated in the plaint.

(2) Where the amount payable to the plaintiff as ascertained in the suit is in excess of the amount as estimated in the plaint, no decree directing payment of the amount as so ascertained shall be passed until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the amount so ascertained, is paid. If the additional fee is not paid within such time as the Court may fix, the decree shall be limited to the amount to which the fee paid extends.

(3) Where in any such suit it is found that any amount is payable to the defendant, no decree shall be passed in his favour until he pays the fee due on the amount.

Section 34 - Suits for dissolution of partnership

(1) In a suit for dissolution of partnership and accounts or for accounts of dissolved partnership, fee shall be computed on the value of the plaintiff's share in the partnership as estimated by the plaintiff.

(2) If the value of the plaintiff's share as ascertained in the suit exceeds the value as estimated in the plaint, no decree, or where there has been a preliminary decree, no final decree, shall be passed, in favour of the plaintiff, no payment shall be made but of the assets of the partnership and no property shall be allotted as for the plaintiff's share, until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the value so ascertained, is paid.

(3) No final decree shall be passed, no money shall be paid and no allotment of property shall be made in favour of defendant in any such suit as, for or on account of, his share of the assets of the partnership, until the fee computed on the amount or value of his share of the assets of the partnership is paid.

Section 35 - Partition suits

(1) In a suit for partition and separate possession of a share of joint family property or of property owned, jointly or in common, by a plaintiff whose title to such property is denied, or who has been excluded from possession of such property, fee shall be computed on the market value of the plaintiff's share.

(2) In a suit for partition and separate possession of joint family property or property owned, jointly or in common, by a plaintiff who is in joint possession of such property fee shall be paid at the

following rates:

Rupees fifteen if the value of plaintiff's share is Rs. 3,000 or less;

Rupees thirty if the value is above Rs. 3,000 but not more than Rs. 5,000;

Rupees one hundred if the value is above Rs. 5,000 but below Rs. 10,000 and

Rupees two hundred if the value is Rs. 10,000 and above.

(3) Where, in a suit falling under sub-section (1) or sub-section (2), a defendant claims partition and separate possession of his share of the property, fee shall be payable on his written statement computed on half the market value of his share or at the rates specified in subsection (2), according as such defendant has been excluded from possession or is in joint possession.

(4) Where, in a suit falling under sub-section (1) or sub-section (2), the plaintiff or the defendant seeks cancellation of decree or other document of the nature specified in section 38 separate fee shall be payable on the relief of cancellation in the manner specified in that section.

Section 36 - Suits for joint possession

In a suit for joint possession of joint family property or of property owned, jointly or in common, by a plaintiff who has been excluded from possession, fee shall be computed on the market value of the plaintiff's share.

Section 37 - Administration suits

(1) In a suit for the administration of an estate, fee shall be levied on the plaint at the rates specified in Section 47.

(2) Where any amount or share or part of the assets of the estate is found due to the plaintiff, and the fee computed on the amount or the market value of such share or part of the assets exceeds the fee paid on the plaint, no payment shall be made and no decree directing payment of money or confirming title to such share or part of the assets shall be passed until the difference between the fee actually paid and the fee computed on the amount or value of the property is paid.

(3) No payment shall be made, no decree directing payment of money or confirming title to any share or part of the assets of the estate shall be passed in favour of a defendant in suit for administration, until the fee computed on the amount or value of such share or part of such assets is paid by such defendant.

(4) In computing the fee payable by a plaintiff or by a defendant under sub-section (2) or sub-section (3), credit shall be given for the fee if any paid by such plaintiff or by such defendant in any other proceeding in respect of the claim on the basis of which such amount or share or part of the assets of the estate becomes due to such plaintiff or to such defendant.

Section 38 - Suits for cancellation of decrees, etc.

(1) In a suit for cancellation of a decree for money or other property having a money value, or other document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest in money, movable or immovable property, fee shall be computed on the value of the subject matter of the suit, and such value shall be deemed to be-

If the whole decree or other document is sought to be cancelled, the amount or value of the property for which the decree was passed or to her document was executed;

If a part of the decree or other document is sought to be cancelled, such part of the amount or value of the property.

(2) If the decree or other document is such that the liability under it cannot be split up and the relief claimed relates only to a particular item of property belonging to the plaintiff or to the plaintiff's share in any such property, fee shall be computed on the value of such property or share or on the amount of the decree, whichever is less.

Explanation 1: A suit to set aside an award shall be deemed to be a suit to set aside a decree within the meaning of this section.

Explanation 2: In a suit for cancellation of a decree and possession of any property, the fee shall be computed as in a suit for possession of such property.

Section 39 - Suits to set aside attachment, etc.

(1) In a suit to set aside an attachment by a civil or revenue court of any property, movable or immovable, or of any interest therein or of any interest in revenue, or to set aside an order passed on an application made to set aside the attachment, fee shall be computed on one-fourth of the market value of the attached property in respect of which the suit is instituted or on the amount for which the property was attached, whichever is less.

(2) In a suit to set aside any other summary decision or order of a civil or revenue court, if the subject-matter of the suit has a market value, fee shall be computed on one-fourth of such value, and in other cases, fee shall be payable at the rates specified in section 47.

Explanation: For the purpose of this section, the Registrar of Co-operative societies shall be deemed to be a civil court.

Section 40 - Suits for specific performance

In a suit for specific performance, whether with or without possession, fee shall be payable-

- (a) in the case of a contract of sale, computed on the amount of the consideration;
- (b) in the case of a contract of mortgage, computed on the amount agreed to be secured by the mortgage;
- (c) in the case of a contract of lease, computed on the aggregate amount of the fine or premium, if any and of the average of the annual rent agreed to be paid;
- (d) in the case of a contract of exchange, computed on the amount of the consideration, or as the case may be, on the market value of the property sought to be got in exchange;
- (e) in other cases, where the consideration for the promise sought to be enforced has a market value, computed on such market value or where such consideration has no market value, at the rates specified in section 47.

Section 41 - Suits between landlord and tenant

(1) In the following suits between landlord and tenant in civil courts, namely:

- (a) for the delivery by a tenant of the counterpart of a lease or for acceptance of patta in exchange for muchalika;
- (b) for enhancement of rent;

- (c) for the delivery by a landlord of a lease or for obtaining a patta in exchange for a muchalika;
- (d) for recovering occupancy of immovable property from which a tenant has been illegally ejected by the landlord;
- (e) for establishing or disproving a right of occupancy;

fee shall be levied on the amount of rent for the immovable property to which the suit relates, payable for the year next before the date of presenting the plaint.

(2) In a suit for recovery of immovable property from a tenant including a tenant holding over after the termination of a tenancy, fee shall be computed on the premium, if any, and on the rent payable for the year next before the date of presenting the plaint.

Explanation: Rent includes also damages for use and occupation payable by a tenant holding over.

Section 42 - Suits for mesne profits

(1) In a suit for mesne profits or for immovable property and mesne profits, fee shall in respect of mesne profits be computed where the amount is stated approximately and sued for, on such amount. If the profits ascertained to be due to the plaintiff are in excess of the profits as approximately estimated and sued for, no decree shall be passed until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the profits so ascertained is paid.

(2) Where a decree directs an enquiry as to the mesne profits which have accrued on the property, whether prior or subsequent to the institution of the suit, no final decree shall be passed till the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits accrued due till the date of such decree is paid.

(3) where, for a period subsequent to the date of the decree or final decree, such decree or final decree directs payment of mesne profits at a specified rate, such decree or final decree shall not be executed until the fee computed on the amount claimed in execution has been paid.

Section 43 - Suits to alter or cancel entry in revenue registers and certain suits in revenue courts

(1) In a suit to alter or cancel any entry in a revenue or survey register or records of the names of proprietors of revenue-paying estate, the fee payable shall be¹[fifty rupees].

(2) In suits in revenue courts relating to a village office, the fee payable shall be¹[fifty rupees].

²[(3) xxxxxxxx]

(4) xxxxxxxx]

1. Substituted by Act No. 7 of 1996, w.e.f. 28-3-1996, for the words "fifteen rupees".

2. Omitted by Act No. 10 of 2003, w.e.f. 1-4-2003

Previous Reference: (3) In suits in Tahsildar's courts under the Bombay Mamlatdar Courts Act, 1906 (Bombay Act II of 1906), the fee payable shall be one rupee and fifty naye paise.

(4) In suits and applications under '[the Bombay Land Revenue Code, 1879 (Bombay Act V of 1879)

and under the Hyderabad Land Revenue Act 131F (Hyderabad Act VIII of 1317 Fasli,) the fee payable shall be one Seventy-five naye paise.

*. Now see the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964).

Section 44 - Suits relating to public matters

In a suit for relief under section 14 of the Religious endowments Act, 1863 (Central Act XX of 1863), or under section 91 or section 92 of the Code of Civil Procedure, 1908 (Central Act V 1908),¹[or under Section 50 of the Bombay Public Trusts Act, 1950 (Bombay Act XXIX of 1950)], the fee payable shall be fifty rupees.

1. Inserted by Act No. 13 of 1981 w.e.f. 1-1-1976.

Section 45 - Interpleader suits

(1) In an interpleader suit, fee shall be payable on the plaint at the rates specified in section 47.

(2) Where issues are framed as between the claimants, fee shall be payable computed on the amount of the debt or the money or the market value of other property, movable or immovable, which forms the subject-matter of the suit. In levying such fee, credit shall be given for the fee paid on the plaint; and the balance of the fee shall be paid in equal shares by the claimants who claim the debt or the sum of money or the property adversely to each other.

(3) Value for the purpose of determining the jurisdiction of court shall be the amount of the debt, or the sum of money or the market value of other property to which the suit relates.

Section 46 - Third, party proceedings

In third party proceedings, fee shall be levied on one-half of the value of the contribution or indemnity claimed against a third party or against a co-defendant if a claim is made against him:

Provided that, if the suit against the defendant who has filed the third party notice is dismissed, wholly or in part, he shall be entitled to a refund of the whole or a proportionate part of the fee paid by him.

Explanation: The provisions of this section shall also apply to counter claims made in third party proceedings.

Section 47 - Suits not otherwise provided for

In suits not otherwise provided for, fee shall be payable at the following rates:

(i)	In a Revenue Court	¹ [Rupees fifty].
(ii)	In any Civil Court	Rupees twenty if the value of the subject matter is Rs. 5,000 or less; rupees one hundred if the value is above Rs, 5,000 but below Rs. 10,000; and rupees two hundred

	if the value is Rs. 10,000 and above
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1. Substituted by Act No. 7 of 1996, w.e.f. 28-3-1996, for the words "fifteen rupees".

Section 48 - Fee on memorandum of appeal against decision, award or order relating to compensation

48. Fee on memorandum of appeal against¹[decision, award or order] relating to compensation.--

The fee payable under this Act on a memorandum of appeal against¹[a decision or an award or order] relating to compensation under any Act for the time being in force for the acquisition of property for public purpose shall be computed on the difference between the amount awarded and the amount claimed by the²[appellant.]

³Explanation: For the purpose of this section the expressions of "amount awarded" and "amount claimed" include any other additional sum payable in accordance with the law providing for acquisition in consideration of the compulsory nature of the acquisition.]

1. Substituted by Act No. 11 of 1969, w.e.f. 25-5-1969 for the words "an order".

2. Substituted by Act No. 15 of 1998, w.e.f. 28-5-1998, for the words "applicant".

3. Explanation added by Act No.80 of 1976, w.e.f. 15-8-1960.

Section 49 - Appeals

¹[Save as provided in section 48, the fee payable] in an appeal shall be the same as the fee that would be payable in the court of first instance on the subject matter of the appeal

Provided that, in levying fee on a memorandum of appeal against a final decree by a person whose appeal against the preliminary decree passed by the court of first instance or by the court of appeal is pending, credit shall be given for the fee paid by such person in the appeal against the preliminary decree.

Explanation (1): Whether the appeal is against the refusal of a relief or against the grant of the relief, the fee payable in the appeal shall be the same as the fee that would be payable on the relief in the court of first instance.

Explanation (2): Costs shall not be deemed to form part of the subject matter of the appeal except where such costs form themselves the subject matter of the appeal or relief is claimed as regards costs on grounds additional to, or independent of, the relief claimed regarding the main subject matter in the suit.

Explanation (3): In claims which include the award of interest subsequent to the institution of the suit the interest accrued during the pendency of the suit till the date of decree shall be deemed to be part of the subject matter of the appeal except where such interest is relinquished.

Explanation (4): Where the relief prayed for in the appeal is different from the relief prayed for or refused in the court of first instance, the fee payable in the appeal shall be the fee that would be payable in the court of first instance on the relief prayed for in the appeal.

Explanation (5): Where the market value of the subject matter of the appeal has to be ascertained for the purpose of computing or determining the fee payable, such market value shall be ascertained as on the date of presentation of the plaint.

1. Substituted by Act No. 11 of 1969, w.e.f. 22-5-1969 for the words "the fee payable".

Section 20 - - Fee how reckoned

The fee payable under this act shall be determined or computed in accordance with the provisions of this Chapter, Chapter VI, Chapter VIII and Schedules I and II.

Section 21 - - Suits for money

In a suit for money (including a suit for damages or compensation, or arrears of maintenance of annuities, or of other sums payable periodically), fee shall be computed on the amount claimed.

Section 22 - - Suits for maintenance and annuities

In the suits here in after mentioned, fee shall be computed as follows:

- (a) in a suit for maintenance, on the amount claimed to be payable for one year;
- (b) in a suit for enhancement or reduction of maintenance, on the amount by which the annual maintenance is sought to be enhanced or reduce;
- (c) in a suit for annuities or other sums payable periodically, on five times the amount claimed to be payable for one year:

Provided that, where the annuity is payable for less than five years, the fee shall be computed on the aggregate of the sums payable:

Provided further that a suit for enhancement of maintenance shall be instituted in a court which will have jurisdiction to receive a suit for maintenance at the enhanced rate claimed and one for reduction of maintenance shall be instituted in a court which will have jurisdiction to receive a suit for maintenance at the rate which is sought to be reduced.

Section 23 - - Suits for moveable property

(1) In a suit for moveable property other than documents of title, fee shall be computed-

(a) where the subject-matter has a market value, on such value; or

(b) where the subject-matter has no market value, on the amount at which the relief sought is valued in the plaint;

Provided that where the suit is for goods pledged as security for payment of a debt, the fee shall be computed on the amount of debt.

(2) (a) In the suit for possession of documents of title, fee shall be computed on one-eighth of the amount or of the market value of the property secured by the document,

(i) where the plaint alleges denial of the plaintiff's title to the money or the property secured by the document, or

(ii) where an issue is framed regarding the plaintiff's title to the money or the property secured by the document:

Provided that where the allegation in the plaint or the issue framed relates only to a portion of the amount or property, fee shall be computed on one-eighth of such portion of the amount or on one-eighth of the market value of such portion of the property.

(b) In a suit for possession of documents of title where the plaintiff's title to the money or the property secured by the document is not denied, fee shall be computed on the amount at which the relief sought is valued in the plaint

Explanation: The expression "document of title" means a document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, in any property.

Section 24 - - Suits for declaration

In a suit for a declaratory decree or order, whether with or without consequential relief, not falling under Section 25

(a) Where the prayer is for a declaration and for possession of the property to which the declaration relates, fee shall be computed on the market value of the property or on¹[rupees one thousand] whichever is higher;

(b) Where the prayer is for a declaration and for consequential injunction and the relief sought is with reference to any immovable property, fee shall be computed on one-half of the market value of the property or on¹[rupees one thousand] whichever is higher;

(c)²[x x x x x]

(d) in other cases, whether the subject-matter of the suit is capable of valuation or not, fee shall be computed on the amount at which the relief sought is valued in the plaint or on³[rupees one thousand] whichever is higher.

1. Substituted by Act No. 13 of 1982 for the words "rupees one hundred", w.e.f. 1-4-1982.

2. "Clause (c) Omitted by Act No.13 of 1982, w.e.f. 1-4-1982.

*Previous Reference: (c) where the prayer relates to the plaintiff's exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other thing and is based on an infringement of such exclusive right, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees five hundred, whichever is higher;

3. Substituted by Act No. 13 of 1982, for the words "rupees two hundred and fifty", . w.e.f. 1-4-1982.

Section 25 - - Adoption suits

In a suit for a declaration in regard to the validity or invalidity of an adoption or the factum of an adoption, fee shall be payable at the following rates:

(a)	¹ [xxx] In a Court of Munisiff ² [xxx] when the market value of the property involved in or affected by the relief does not exceed Rs. 5,000	Rupees Twenty-five
(b)(i)	In the Court of ³ [Munsiff] when the market value of the property involved in or affected by the relief exceeds rs. 5,000 and	Rupees one hundred if the market value of the property involved in or affected by the relief is Rs. 15,000 or less and
(ii)	In any Court other than the Court specified in (a) ⁴ [xxx]	rupees two hundred and fifty if it is above Rs. 15,000

1. The brackets and figure "(i)" Omitted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1-11-1973.

2. The words, figures and brackets "or District Munsiff; and (ii) In a Court of Civil Judge, Junior Division" Omitted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1-11-1973.

3. Substituted for the words "Civil Judge, Junior Division" by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1-11-1973.

4. The brackets and figure "(i)" Omitted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1-11-1973.

Section 26 - - Suits for injunction

In a suit for injunction-

(a) Where the relief sought is with reference to any immovable property, and

(i) Where the plaintiff alleges that his title to the property is denied, or

(ii) Where an issue is framed regarding the plaintiff's title to the property, fee shall be computed on one-half of the market value of the property or on¹[rupees one thousand] whichever is higher;

(b)²[xxx]

(c) in any other case, whether the subject-matter of the suit has a market value or not, fee shall be computed on the amount at which the relief sought is valued in the plaint or on³[rupees one thousand], whichever is higher.

1. Substituted by Act No. 13 of 1982 for the words "rupees one hundred", w.e.f. 1-4-1982.

2. *Omitted by Act No. 13 of 1982, w.e.f. 1-4-1982.

*Previous Reference: 26(b) where the prayer relates to the plaintiff's exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other thing and is based on an infringement of such exclusive right, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees five hundred, whichever is higher;

3. Substituted by Act No.21 of 1979 , w.e.f. 31-3-1979; for the words "rupees one hundred".

Section 27 - - Suits relating to trust property

In a suit for possession or joint possession of trust property or for a declaratory decree, whether with or without consequential relief in respect of it, between trustees or rival claimants to the office of trustee or between a trustee and a person who has ceased to be trustee, fee shall be computed on one-fifth of the market value of the property subject to a maximum fee of rupees two hundred or where the property has no market value, on rupees one thousand:

Provided that, where the property does not have a market value, value for the purpose of determining the jurisdiction of courts shall be such amount as the plaintiff shall state in the plaint.

Explanation: For the purpose of this section, property comprised in Hindu, Muslim or other religious or charitable endowment shall be deemed to be trust property and the manager of any such property shall be deemed to be the trustee thereof.

Section 28 - - Suits for possession under the Specific Relief Act, 1877

In a suit for possession of immovable property under section 9 of the Specific Relief Act, 1877 (Central Act I of 1877), fee shall be computed on one-half of the market value of the property or on¹[rupees one thousand] whichever is higher.

1. Substituted by Act No. 13 of 1982 for the words "rupees one hundred", w.e.f. 1-4-1982.

Section 29 - - Suits for possession not otherwise provided for

In a suit for possession of immovable property not otherwise provided for, fee shall be computed on the market value of the property or on¹[rupees one thousand], whichever is higher.

1. Substituted by Act No. 13 of 1982 for the words "rupees one hundred", w.e.f. 1-4-1982.

Section 30 - - Suits relating to easements

In a suit relating to an easement, whether by the dominant or the servient owner, fee shall be computed on the amount at which the relief sought is valued in the plaint, which amount shall in no case be less than¹[rupees one thousand]:

Provided that, where compensation is claimed besides other relief relating to such easement, fee shall be paid on the amount claimed as compensation in addition to the fee payable on such other relief.

1. Substituted by Act No. 21 of 1979 , w.e.f. 31-3-1979; for the words "rupees one hundred".

Section 31 - - Pre-emption suits

In a suit to enforce a right of pre-emption, fee shall be computed on the amount of the consideration for the sale which the pre-emptor seeks to avoid or on the market value, whichever is less.

Section 32 - - Suits relating to mortgages

(1) In a suit to recover the money due on a mortgage, fee shall be computed on the amount claimed.

Explanation: It is immaterial that sale of the mortgaged property is not prayed for.

(2) Where, in such a suit, the holder of a prior mortgage or charge is impleaded and he prays in his written statement that the amount due on his mortgage or charge be determined and that the decree contain, a direction for the payment of such amount to him, fee shall be payable on the written statement computed on the amount claimed:

Provided that, where the holder of the mortgage or charge has paid a fee in any other proceeding on the claim to which his written statement relate, credit shall be given for the fee paid by him in such other proceeding.

(3) Where, in such a suit, the mortgaged property is sold and the holder of a prior or subsequent mortgage or charge applies for payment to him, out of the sale proceeds, of the amount due on his mortgage or charge, such holder of the prior or subsequent mortgage or charge shall pay on his application a fee computed on the amount claimed by him:

Provided that, where such holder of the mortgage or charge is a party to the suit in which the sale was held and has paid fee on the written statement filed by him in the suit, no fee shall be payable by him on the application for payment out of the sale proceeds:

provided further that, where the holder of the mortgage or charge, not being a party to the suit in which the sale is held, has paid a fee in any other proceeding on the claim to which his application relates, credit shall be given for the fee paid by him in such other proceeding.

(4) In a suit by a co-mortgagee for the benefit of himself and the other co-mortgagee fee, shall be computed on the amount claimed on the entire mortgage:

Provided that, where a co-mortgagee impleaded as defendant in such suit claims on the entire mortgage a larger sum than is claimed in the plaint, the difference between the fee computed on the entire sum claimed in such defendant's written statement and the fee computed on the entire sum claimed in the plaint shall be payable on the written statement.

Explanation: Nothing in this sub-section shall be construed as affecting the law of limitation.

(5) (a) in a suit by a sub-mortgagee to recover the amount claimed on the sub-mortgage by sale of the mortgagee's interest in the mortgaged property, fee shall be computed on the amount claimed under the sub-mortgage.

(b) In a suit by a sub-mortgagee, if the prayer is for the sale of the property mortgaged to the original mortgagee and the original mortgagor is also impleaded as a defendant, fee shall be computed on the entire amount claimed on the original mortgage which is sub-mortgaged to him.

(6) Where the holder of a prior or subsequent mortgage or charge is impleaded in a suit by a co-mortgagee to which sub-section (4) applies, or in a suit by a sub-mortgagee to which sub-section (5) applies, the provisions of sub-section (2) and (3) shall apply mutatis mutandis to a written statement or an application filed by such holder or mortgage or charge.

(7) Where the original mortgagee who is impleaded in a suit to which the provisions of sub-section (5) (b) apply claims on the mortgage sub-mortgaged by him a larger amount than is claimed in the plaint, the provisions of sub-section (4) shall apply mutatis mutandis to the written statement of such mortgagor.

(8) In a suit against a mortgagee for redemption of a mortgage, fee shall be computed on the

amount due to the mortgagee as stated in the plaint or on one-fourth of the principal amount secured under the mortgage, whichever is higher.

Provided that, where the amount due on the mortgage is found to be more than the amount on which fee has been paid by the plaintiff, no decree shall be passed until the deficit fee is paid:

Provided further that, in the case of a usufructuary or anomalous mortgage, if the plaintiff prays for redemption as well as for accounts of surplus profits, fee shall be levied separately on the relief for accounts as in a suit for accounts.

(9) in a suit by a mortgagee to foreclose the mortgage or, where the mortgage is made by conditional sale, to have the sale declared absolute, fee shall be computed on the amount claimed in the plaint by way of principal and interest.

Section 33 - - Suits for accounts

(1) In a suit for accounts, fee shall be computed on the amount sued for as estimated in the plaint.

(2) Where the amount payable to the plaintiff as ascertained in the suit is in excess of the amount as estimated in the plaint, no decree directing payment of the amount as so ascertained shall be passed until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the amount so ascertained, is paid. If the additional fee is not paid within such time as the Court may fix, the decree shall be limited to the amount to which the fee paid extends.

(3) Where in any such suit it is found that any amount is payable to the defendant, no decree shall be passed in his favour until he pays the fee due on the amount.

Section 34 - - Suits for dissolution of partnership

(1) In a suit for dissolution of partnership and accounts or for accounts of dissolved partnership, fee shall be computed on the value of the plaintiff's share in the partnership as estimated by the plaintiff.

(2) If the value of the plaintiff's share as ascertained in the suit exceeds the value as estimated in the plaint, no decree, or where there has been a preliminary decree, no final decree, shall be passed, in favour of the plaintiff, no payment shall be made but of the assets of the partnership and no property shall be allotted as for the plaintiff's share, until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the value so ascertained, is paid.

(3) No final decree shall be passed, no money shall be paid and no allotment of property shall be made in favour of defendant in any such suit as, for or on account of, his share of the assets of the partnership, until the fee computed on the amount or value of his share of the assets of the partnership is paid.

Section 35 - - Partition suits

(1) In a suit for partition and separate possession of a share of joint family property or of property owned, jointly or in common, by a plaintiff whose title to such property is denied, or who has been excluded from possession of such property, fee shall be computed on the market value of the plaintiff's share.

(2) In a suit for partition and separate possession of joint family property or property owned, jointly or in common, by a plaintiff who is in joint possession of such property fee shall be paid at the following rates:

Rupees fifteen if the value of plaintiff's share is Rs. 3,000 or less;

Rupees thirty if the value is above Rs. 3,000 but not more than Rs. 5,000;

Rupees one hundred if the value is above Rs. 5,000 but below Rs. 10,000 and

Rupees two hundred if the value is Rs. 10,000 and above.

(3) Where, in a suit falling under sub-section (1) or sub-section (2), a defendant claims partition and separate possession of his share of the property, fee shall be payable on his written statement computed on half the market value of his share or at the rates specified in subsection (2), according as such defendant has been excluded from possession or is in joint possession.

(4) Where, in a suit falling under sub-section (1) or sub-section (2), the plaintiff or the defendant seeks cancellation of decree or other document of the nature specified in section 38 separate fee shall be payable on the relief of cancellation in the manner specified in that section.

Section 36 - - Suits for joint possession

In a suit for joint possession of joint family property or of property owned, jointly or in common, by a plaintiff who has been excluded from possession, fee shall be computed on the market value of the plaintiff's share.

Section 37 - - Administration suits

(1) In a suit for the administration of an estate, fee shall be levied on the plaint at the rates specified in Section 47.

(2) Where any amount or share or part of the assets of the estate is found due to the plaintiff, and the fee computed on the amount or the market value of such share or part of the assets exceeds the fee paid on the plaint, no payment shall be made and no decree directing payment of money or confirming title to such share or part of the assets shall be passed until the difference between the fee actually paid and the fee computed on the amount or value of the property is paid.

(3) No payment shall be made, no decree directing payment of money or confirming title to any share or part of the assets of the estate shall be passed in favour of a defendant in suit for administration, until the fee computed on the amount or value of such share or part of such assets is paid by such defendant.

(4) In computing the fee payable by a plaintiff or by a defendant under sub-section (2) or sub-section (3), credit shall be given for the fee if any paid by such plaintiff or by such defendant in any other proceeding in respect of the claim on the basis of which such amount or share or part of the assets of the estate becomes due to such plaintiff or to such defendant.

Section 38 - - Suits for cancellation of decrees, etc.

(1) In a suit for cancellation of a decree for money or other property having a money value, or other document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest in money, movable or immovable property, fee shall be computed on the value of the subject matter of the suit, and such value shall be deemed to be-

If the whole decree or other document is sought to be cancelled, the amount or value of the property for which the decree was passed or to her document was executed;

If a part of the decree or other document is sought to be cancelled, such part of the amount or value of the property.

(2) If the decree or other document is such that the liability under it cannot be split up and the relief claimed relates only to a particular item of property belonging to the plaintiff or to the plaintiff's share in any such property, fee shall be computed on the value of such property or share or on the amount of the decree, whichever is less.

Explanation 1: A suit to set aside an award shall be deemed to be a suit to set aside a decree within the meaning of this section.

Explanation 2: In a suit for cancellation of a decree and possession of any property, the fee shall be computed as in a suit for possession of such property.

Section 39 - - Suits to set aside attachment, etc.

(1) In a suit to set aside an attachment by a civil or revenue court of any property, movable or immovable, or of any interest therein or of any interest in revenue, or to set aside an order passed on an application made to set aside the attachment, fee shall be computed on one-fourth of the market value of the attached property in respect of which the suit is instituted or on the amount for which the property was attached, whichever is less.

(2) In a suit to set aside any other summary decision or order of a civil or revenue court, if the subject-matter of the suit has a market value, fee shall be computed on one-fourth of such value, and in other cases, fee shall be payable at the rates specified in section 47.

Explanation: For the purpose of this section, the Registrar of Co-operative societies shall be deemed to be a civil court.

Section 40 - - Suits for specific performance

In a suit for specific performance, whether with or without possession, fee shall be payable-

- (a) in the case of a contract of sale, computed on the amount of the consideration;
- (b) in the case of a contract of mortgage, computed on the amount agreed to be secured by the mortgage;
- (c) in the case of a contract of lease, computed on the aggregate amount of the fine or premium, if any and of the average of the annual rent agreed to be paid;
- (d) in the case of a contract of exchange, computed on the amount of the consideration, or as the case may be, on the market value of the property sought to be got in exchange;
- (e) in other cases, where the consideration for the promise sought to be enforced has a market value, computed on such market value or where such consideration has no market value, at the rates specified in section 47.

Section 41 - - Suits between landlord and tenant

(1) In the following suits between landlord and tenant in civil courts, namely:

- (a) for the delivery by a tenant of the counterpart of a lease or for acceptance of patta in exchange for muchalika;
- (b) for enhancement of rent;
- (c) for the delivery by a landlord of a lease or for obtaining a patta in exchange for a muchalika;
- (d) for recovering occupancy of immovable property from which a tenant has been illegally ejected by the landlord;
- (e) for establishing or disproving a right of occupancy;

fee shall be levied on the amount of rent for the immovable property to which the suit relates, payable for the year next before the date of presenting the plaint.

(2) In a suit for recovery of immovable property from a tenant including a tenant holding over after the termination of a tenancy, fee shall be computed on the premium, if any, and on the rent payable for the year next before the date of presenting the plaint.

Explanation: Rent includes also damages for use and occupation payable by a tenant holding over.

Section 42 - - Suits for mesne profits

(1) In a suit for mesne profits or for immovable property and mesne profits, fee shall in respect of mesne profits be computed where the amount is stated approximately and sued for, on such amount. If the profits ascertained to be due to the plaintiff are in excess of the profits as approximately estimated and sued for, no decree shall be passed until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the profits so ascertained is paid.

(2) Where a decree directs an enquiry as to the mesne profits which have accrued on the property, whether prior or subsequent to the institution of the suit, no final decree shall be passed till the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits accrued due till the date of such decree is paid.

(3) where, for a period subsequent to the date of the degree or final decree, such decree or final decree directs payment of mesne profits at a specified rate, such decree or final decree shall not be executed until the fee computed on the amount claimed in execution has been paid.

Section 43 - - Suits to alter or cancel entry in revenue registers and certain suits in revenue courts

(1) In a suit to alter or cancel any entry in a revenue or survey register or records of the names of proprietors of revenue-paying estate, the fee payable shall be¹[fifty rupees].

(2) In suits in revenue courts relating to a village office, the fee payable shall be¹[fifty rupees].

²[(3) xxxxxxxx]

(4) xxxxxxxx]

1. Substituted by Act No. 7 of 1996, w.e.f. 28-3-1996, for the words "fifteen rupees".

2. Omitted by Act No. 10 of 2003, w.e.f. 1-4-2003

Previous Reference: (3) In suits in Tahsildar's courts under the Bombay Mamlatdar Courts Act, 1906 (Bombay Act II of 1906), the fee payable shall be one rupee and fifty naye paise.

(4) In suits and applications under '[the Bombay Land Revenue Code, 1879 (Bombay Act V of 1879) and under the Hyderabad Land Revenue Act 131F (Hyderabad Act VIII of 1317 Fasli,] the fee payable shall be one Seventy-five naye paise.

*. Now see the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964).

Section 44 - - Suits relating to public matters

In a suit for relief under section 14 of the Religious endowments Act, 1863 (Central Act XX of 1863), or under section 91 or section 92 of the Code of Civil Procedure, 1908 (Central Act V 1908),¹[or under Section 50 of the Bombay Public Trusts Act, 1950 (Bombay Act XXIX of 1950)], the fee payable shall be fifty rupees.

1. Inserted by Act No. 13 of 1981 w.e.f. 1-1-1976.

Section 45 - - Interpleader suits

(1) In an interpleader suit, fee shall be payable on the plaint at the rates specified in section 47.

(2) Where issues are framed as between the claimants, fee shall be payable computed on the amount of the debt or the money or the market value of other property, movable or immovable, which forms the subject-matter of the suit. In levying such fee, credit shall be given for the fee paid on the plaint; and the balance of the fee shall be paid in equal shares by the claimants who claim the debt or the sum of money or the property adversely to each other.

(3) Value for the purpose of determining the jurisdiction of court shall be the amount of the debt, or the sum of money or the market value of other property to which the suit relates.

Section 46 - - Third, party proceedings

In third party proceedings, fee shall be levied on one-half of the value of the contribution or indemnity claimed against a third party or against a co-defendant if a claim is made against him:

Provided that, if the suit against the defendant who has filed the third party notice is dismissed, wholly or in part, he shall be entitled to a refund of the whole or a proportionate part of the fee paid by him.

Explanation: The provisions of this section shall also apply to counter claims made in third party proceedings.

Section 47 - - Suits not otherwise provided for

In suits not otherwise provided for, fee shall be payable at the following rates:

(i)	In a Revenue Court	¹ [Rupees fifty].
(ii)	In any Civil Court	Rupees twenty if the value of the subject matter is Rs. 5,000 or less; rupees one hundred if the value is above Rs, 5,000 but below Rs. 10,000; and rupees two hundred if the value is Rs. 10,000 and above

1. Substituted by Act No. 7 of 1996, w.e.f. 28-3-1996, for the words "fifteen rupees".

Section 48 - - Fee on memorandum of appeal against decision, award or order relating to compensation

48. Fee on memorandum of appeal against¹[decision, award or order] relating to compensation.--

The fee payable under this Act on a memorandum of appeal against¹[a decision or an award or order] relating to compensation under any Act for the time being in force for the acquisition of property for public purpose shall be computed on the difference between the amount awarded and the amount claimed by the²[appellant.]

³Explanation: For the purpose of this section the expressions of "amount awarded" and "amount claimed" include any other additional sum payable in accordance with the law providing for acquisition in consideration of the compulsory nature of the acquisition.]

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1. Substituted by Act No. 11 of 1969, w.e.f. 25-5-1969 for the words "an order".
 2. Substituted by Act No. 15 of 1998, w.e.f. 28-5-1998, for the words "applicant".
 3. Explanation added by Act No.80 of 1976, w.e.f. 15-8-1960.
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Section 49 - - Appeals

¹[Save as provided in section 48, the fee payable] in an appeal shall be the same as the fee that would be payable in the court of first instance on the subject matter of the appeal

Provided that, in levying fee on a memorandum of appeal against a final decree by a person whose appeal against the preliminary decree passed by the court of first instance or by the court of appeal is pending, credit shall be given for the fee paid by such person in the appeal against the preliminary decree.

Explanation (1): Whether the appeal is against the refusal of a relief or against the grant of the relief, the fee payable in the appeal shall be the same as the fee that would be payable on the relief in the court of first instance.

Explanation (2): Costs shall not be deemed to form part of the subject matter of the appeal except where such costs form themselves the subject matter of the appeal or relief is claimed as regards costs on grounds additional to, or independent of, the relief claimed regarding the main subject matter in the suit.

Explanation (3): In claims which include the award of interest subsequent to the institution of the suit the interest accrued during the pendency of the suit till the date of decree shall be deemed to be part of the subject matter of the appeal except where such interest is relinquished.

Explanation (4): Where the relief prayed for in the appeal is different from the relief prayed for or refused in the court of first instance, the fee payable in the appeal shall be the fee that would be payable in the court of first instance on the relief prayed for in the appeal.

Explanation (5): Where the market value of the subject matter of the appeal has to be ascertained for the purpose of computing or determining the fee payable, such market value shall be ascertained as on the date of presentation of the plaint.

1. Substituted by Act No. 11 of 1969, w.e.f. 22-5-1969 for the words "the fee payable".

Chapter V - - VALUATION OF SUITS

(1) In a suit as to whose value for the purpose of determining the jurisdiction of courts, specific provision is not otherwise made in this Act or in any other law, value for that purpose and value for the purpose of computing the fee payable under this Act shall be the same:

¹[provided that notwithstanding anything contained in sub-section (2) of section 7, the value of land specified in clauses (a), (b) or (c) of the said sub-section shall, for purposes of determining the jurisdiction of courts, be the market value of such land].

(2) In a suit where fee is payable under this Act at a fixed rate, the value for the purpose of determining the jurisdiction of courts shall be the market value or where it is not possible to estimate it at a money value such amount as the plaintiff shall state in the plaint.

1. Provision added by Act No. 10 of 1964.

Section 51 - Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes

(1) Notwithstanding anything contained in section 99 of the Code of Civil Procedure, 1908 (Central Act V of 1908), an objection that by reason of the overvaluation or undervaluation of a suit or appeal, a court of first instance or lower appellate court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an appellate court, unless-

(a) the objection was taken in the court of first instance at or before the hearing at which issues were framed and recorded, or in the lower appellate court in the memorandum of appeal to that court or

(b) the appellate court is satisfied for reasons to be recorded by it in writing, that the suit or appeal was overvalued or undervalued and that the overvaluation or undervaluation there of has prejudicially affected the disposal of the suit or appeal on its merits.

(2) If the objection was taken in the manner mentioned in clause (a) of sub-section (1), but the appellate court is not satisfied as to both the matters mentioned in clause (b) of that sub-section and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the court of first instance or lower appellate court.

(3) If the objection was taken in that manner and the appellate court is satisfied as to both those matters and has those materials before it, it shall proceed to deal with the appeal under the rules applicable to the court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an appellate court shall, so far as they can be made applicable apply to a court exercising revisional jurisdiction under section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908) or other enactment for the time being in force.

Section 50 - - Suits not otherwise provided for

(1) In a suit as to whose value for the purpose of determining the jurisdiction of courts, specific provision is not otherwise made in this Act or in any other law, value for that purpose and value for the purpose of computing the fee payable under this Act shall be the same:

¹[provided that notwithstanding anything contained in sub-section (2) of section 7, the value of land specified in clauses (a), (b) or (c) of the said sub-section shall, for purposes of determining the jurisdiction of courts, be the market value of such land].

(2) In a suit where fee is payable under this Act at a fixed rate, the value for the purpose of determining the jurisdiction of courts shall be the market value or where it is not possible to estimate it at a money value such amount as the plaintiff shall state in the plaint.

1. Provision added by Act No. 10 of 1964.

Section 51 - - Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes

(1) Notwithstanding anything contained in section 99 of the Code of Civil Procedure, 1908 (Central Act V of 1908), an objection that by reason of the overvaluation or undervaluation of a suit or appeal, a court of first instance or lower appellate court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an appellate court, unless-

(a) the objection was taken in the court of first instance at or before the hearing at which issues were framed and recorded, or in the lower appellate court in the memorandum of appeal to that court or

(b) the appellate court is satisfied for reasons to be recorded by it in writing, that the suit or appeal was overvalued or undervalued and that the overvaluation or undervaluation there of has prejudicially affected the disposal of the suit or appeal on its merits.

(2) If the objection was taken in the manner mentioned in clause (a) of sub-section (1), but the appellate court is not satisfied as to both the matters mentioned in clause (b) of that sub-section and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the court of first instance or lower appellate court.

(3) If the objection was taken in that manner and the appellate court is satisfied as to both those matters and has those materials before it, it shall proceed to deal with the appeal under the rules applicable to the court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an appellate court shall, so far as they can be made applicable apply to a court exercising revisional jurisdiction under section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908) or other enactment for the time being in force.

Chapter VI - - PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION

(1) Every application for the grant of probate or letters of administration shall be accompanied by a valuation of the estate in duplicate in the form set forth in Part I of schedule III.

(2) On receipt of such application, the court shall send a copy thereof and of the valuation to the deputy Commissioner of the district in which the estate is situated or if the estate is situated in more than one district, to the deputy Commissioner of the district in which the most valuable portion of the immovable property included in the estate is situated.

Section 53 - Levy of fee

(1) The fee chargeable for the grant of probate or letters of administration shall comprise-

A fee at the rate or rates prescribed in Article 6 of Schedule I, computed-

(a) where the application is made within one year of the date of death of the deceased, on the market value of the estate on such date; or

(b) where the application is made after the expiry of one year from such date, on the market value of the estate on the date of the application:

Provided that property held in trust not beneficially or with general power to confer a beneficial interest shall not be liable to any fee under this chapter.

Explanation: Any member of a joint Hindu family governed by the Mitakshara Law who applies for probate or letters of administration in respect of the estate of a deceased member of the joint family shall pay a fee on the value of the share in the joint property which the deceased would have received if a partition of the property had been made immediately before his death.

(2) For the purpose of the computation of fee,

(a) the value of the items mentioned in Annexure B to Part I of Schedule III shall be deducted from the value of the estate;

Provided that, when an application is made for probate or letters of administration in respect of part only of an estate, no debt, no expenses connected with any funeral rites or ceremonies and no mortgage encumbrance on any part of the estate other than that in respect of which the application is made shall be deducted:

Provided further that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925 (Central Act XXXIX of 1925), or under Bombay regulation VIII of 1827 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 the latter grant shall be reduced by the amount of the fee paid in respect of the former grant;

(b) the power of appointment which the deceased had over a property or which was created under a

will shall be taken into account, the value being taken to be the value of the property forming the subject-matter of the power.

Section 54 - Grant of probate

The grant of probate or letters of administration shall not be delayed by reason of the reference to the Deputy Commissioner under sub-section (2) of section 52, or of a motion by the Deputy Commissioner under sub-section (5) of section 56; but the Court shall make no grant of probate or letters of administration until it is satisfied that a fee not less than that prescribed by this Act has been paid on the basis of the net value of the estate as furnished in the valuation accompanying the application, or in the amended valuation filed under sub-section (3) of section 56:

Provided that the Court may grant probate or letters of administration notwithstanding that the prescribed fee has not been paid, to the Administrator-General in his official capacity on his giving an undertaking to the satisfaction of the court that the said fee will be paid within such time as may be fixed by the court.

Section 55 - Relief in cases of several grants

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

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

Section 56 - Inquiry by the Deputy Commissioner

(1) The Deputy Commissioner to whom a copy of the application and of the valuation has been sent under sub-section (2) of section 52, shall examine the same and may make or cause to be made by any officer subordinate to him such inquiry, if any, as he thinks fit as to the correctness of the valuation or, where a part only of the property is situated in his district, of the valuation of that part, and may require the Deputy Commissioner of any other district in which any part of the property is situated to furnish him with the correct valuation thereof.

(2) Any Deputy Commissioner required under sub-section (1) to furnish the correct valuation of any property shall comply with the requisition after making or causing to be made by any officer subordinate to him such inquiry, if any, as he thinks fit.

(3) If the Deputy Commissioner is of opinion that the applicant has under estimated the value of the property of the deceased, he may, if he thinks fit, require the attendance of the applicant, either in person or by his agent, and take evidence and inquire into the matter in such manner as he may think fit, and if he is still of opinion that the value of the property has been underestimated, may require the applicant to amend the valuation, and, if the application for probate or letters of administration is pending in court, to file a copy of the amended valuation in such court.

(4) If, in any such case, the probate or letters of administration has or have been granted and the applicant amends the valuation to the satisfaction of the Deputy Commissioner and the Deputy Commissioner finds that a less fee has been paid than was payable according to the true value of the estate, he shall proceed under sub-section (4) of section 58; but if a higher fee has been paid than was payable according to the true value of the estate, the excess fee shall be refunded to the applicant.

(5) If the applicant does not amend the valuation to the satisfaction of the Deputy Commissioner, the

Deputy Commissioner may move the court before which the application for probate or letters of administration was made to hold an inquiry into the true value of the property;

Provided that no such motion shall be made after the expiration of six months¹[from the date on which the Deputy Commissioner is informed by the Court of the exhibition of the inventory] required by section 317 of the Indian Succession Act, 1925 (Central Act XXXIX of 1925).

1. Substituted by Act No.80 of 1976 , w.e.f. 31-3-1979, for the words "from the date of the exhibition of the inventory".

Section 57 - Application to court and power of court

(1) The court shall, when moved by the Deputy Commissioner under sub-section (5) of section 56, hold or cause to be held by any court or officer subordinate to it an inquiry as to the true value at which the estate of the deceased should have been estimated. The Deputy Commissioner shall be deemed to be a party to the inquiry.

(2) For the purposes of any such inquiry, the court, or the subordinate court or the officer authorised by the court to hold the inquiry, may examine the applicant on oath either in person or by commission, and may take such further evidence as may be produced to prove the true value of the estate, and where the inquiry has been entrusted to a subordinate court or officer, such court or officer shall return to the court the evidence taken and report the result of the inquiry and such report and the evidence so taken shall be evidence in the proceedings.

(3) The court on the completion of the inquiry or on receipt of the report referred to in sub-section (2), as the case may be, shall record a finding as to the true value at which the estate should have been estimated and such finding shall be final.

(4) The court may make such order in accordance with the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), as to the cost of the inquiry as it thinks fit.

Section 58 - Provision for cases where too low a fee has been paid

(1) Where too low a 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, applies, to the Deputy Commissioner in the form set forth in Part II of Schedule III and pays within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, what is wanting to make up the fee which ought to have been paid at first on such probate or letters the Deputy Commissioner shall, if satisfied that a low fee was paid in the first instance in consequence of a mistake and without any intention of fraud or to delay the payment of the proper fee,¹[cause the deficit fee to be recovered].

(2) If, in a case falling under sub-section (1) the executor or administrator does not, within the six months referred to in that subsection, pay the deficit fee, he shall forfeit a sum equal to five times the deficit fee.

(3) If, on application being made under sub-section (1), the Deputy Commissioner is not satisfied that the application was made within six months of the discovery of the mistake or of further effects not included in the original valuation or that the payment of a low fee in the first instance was not due to a bona fide mistake, he shall²[cause the deficit fee to be recovered] together with a penalty not exceeding five times such fee.

(4) If, after the grant of probate or letters of administration of an estate, it is found by the Deputy Commissioner as a result of proceedings under section 56 or section 57 or otherwise, that a less fee has been paid than was payable according to the true value of the estate, he shall³[cause the deficit fee to be recovered], and if he is satisfied that the original undervaluation was not bona fide he shall levy in addition a penalty not exceeding five times the deficit fee.

(5) The Chief Controlling Revenue Authority may remit the whole or any part of the amount forfeited under sub-section (2) or of any penalty under sub-section (3) or sub-section (4).

1. Substituted by Act No. 10 of 2003, w.e.f. for the words "cause the probate or letters to be duly stamped."

2. Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003 for the words "cause the probate or letters to be duly stamped on payment of the deficit fee"

3. Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003 for the words "cause the probate or letters to be properly stamped on payment of the deficit fee"

Section 59 - Administrator to give proper security [xxxxxx]

59. Administrator to give proper security¹[xxxxxx].--

In case of letters of administration on which too low a fee has been paid at first, the Deputy Commissioner²[shall require the administrator to give 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 estate of the deceased had been then ascertained.

1. Omitted by Act No. 10 of 2003, w.e.f. 1-4-2003 the words "before letters stamped"

2. Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003 for the words "shall not cause the same to be duly stamped in the manner aforesaid until the administrator has given such security to the Court"

Section 60 - Relief when too high a fee has been paid

(1) If, at any time after the grant of the probate or letters of administration of an estate, it is discovered that a higher fee has been paid than was payable according to the true value of the estate, the executor or the administrator, as the case may be, may apply for a refund to the Deputy Commissioner to whom a copy of the valuation of the estate was sent under sub-section (2) of section 52. the application shall be accompanied by an amended valuation in the form set forth in Part II of schedule III together with the probate or letters of administration upon which a refund is sought.

(2) If the deputy Commissioner is satisfied that the¹[amended valuation is correct, he shall refund the difference between the fee originally paid and that which should have been paid and endorse a certificate accordingly on the probate or letters of administration.]

Provided that, no refund shall be granted under this section unless the application for refund is made within three years of the date of the grant of the probate of letters of administration or within such further period as the Deputy Commissioner may allow.

If, by reason of any legal proceedings, 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 period of three years, the Deputy Commissioner may allow such further time for making the claim as may appear to him to be reasonable under the circumstances.

If the Deputy Commissioner does not grant a refund, the executor or administrator, as the case may be, may apply to the Chief Controlling Revenue Authority for an order of refund. An application for such refund should be accompanied by an amended valuation in the form set forth in part II of schedule III.

1. Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003 for the words

Previous Reference : amended valuation is correct, he shall-

(i) endorse a certificate on the stamped probate or letters of administration to the effect that so much of the fee represented by the stamp or stamps used has been refunded; and

(ii) refund the difference between the fee originally paid and that which should have been paid:

Section 61 - Recovery of penalties, etc.

Any excess fee found to be payable by an applicant for probate or letters of administration or by an executor or administrator, or any costs under sub-section (4) of section 57 or any penalty or forfeiture payable by any such executor or administrator 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.

Section 62 - Powers of Chief Controlling Revenue Authority

The powers and duties of the Deputy Commissioner under this Chapter shall be subject to the control of the Chief Controlling Revenue Authority.

Section 52 - - Application for probate or letters of administration

(1) Every application for the grant of probate or letters of administration shall be accompanied by a valuation of the estate in duplicate in the form set forth in Part I of schedule III.

(2) On receipt of such application, the court shall send a copy thereof and of the valuation to the deputy Commissioner of the district in which the estate is situated or if the estate is situated in more than one district, to the deputy Commissioner of the district in which the most valuable portion of the immovable property included in the estate is situated.

Section 53 - - Levy of fee

(1) The fee chargeable for the grant of probate or letters of administration shall comprise-

A fee at the rate or rates prescribed in Article 6 of Schedule I, computed-

(a) where the application is made within one year of the date of death of the deceased, on the market value of the estate on such date; or

(b) where the application is made after the expiry of one year from such date, on the market value of the estate on the date of the application:

Provided that property held in trust not beneficially or with general power to confer a beneficial interest shall not be liable to any fee under this chapter.

Explanation: Any member of a joint Hindu family governed by the Mitakshara Law who applies for probate or letters of administration in respect of the estate of a deceased member of the joint family shall pay a fee on the value of the share in the joint property which the deceased would have received if a partition of the property had been made immediately before his death.

(2) For the purpose of the computation of fee,

(a) the value of the items mentioned in Annexure B to Part I of Schedule III shall be deducted from the value of the estate;

Provided that, when an application is made for probate or letters of administration in respect of part only of an estate, no debt, no expenses connected with any funeral rites or ceremonies and no mortgage encumbrance on any part of the estate other than that in respect of which the application is made shall be deducted:

Provided further that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925 (Central Act XXXIX of 1925), or under Bombay regulation VIII of 1827 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 the latter grant shall be reduced by the amount of the fee paid in respect of the former grant;

(b) the power of appointment which the deceased had over a property or which was created under a will shall be taken into account, the value being taken to be the value of the property forming the subject-matter of the power.

Section 54 - - Grant of probate

The grant of probate or letters of administration shall not be delayed by reason of the reference to the Deputy Commissioner under sub-section (2) of section 52, or of a motion by the Deputy Commissioner under sub-section (5) of section 56; but the Court shall make no grant of probate or letters of administration until it is satisfied that a fee not less than that prescribed by this Act has

been paid on the basis of the net value of the estate as furnished in the valuation accompanying the application, or in the amended valuation filed under sub-section (3) of section 56:

Provided that the Court may grant probate or letters of administration notwithstanding that the prescribed fee has not been paid, to the Administrator-General in his official capacity on his giving an undertaking to the satisfaction of the court that the said fee will be paid within such time as may be fixed by the court.

Section 55 - - Relief in cases of several grants

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

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

Section 56 - - Inquiry by the Deputy Commissioner

(1) The Deputy Commissioner to whom a copy of the application and of the valuation has been sent under sub-section (2) of section 52, shall examine the same and may make or cause to be made by any officer subordinate to him such inquiry, if any, as he thinks fit as to the correctness of the valuation or, where a part only of the property is situated in his district, of the valuation of that part, and may require the Deputy Commissioner of any other district in which any part of the property is situated to furnish him with the correct valuation thereof.

(2) Any Deputy Commissioner required under sub-section (1) to furnish the correct valuation of any property shall comply with the requisition after making or causing to be made by any officer subordinate to him such inquiry, if any, as he thinks fit.

(3) If the Deputy Commissioner is of opinion that the applicant has under estimated the value of the property of the deceased, he may, if he thinks fit, require the attendance of the applicant, either in person or by his agent, and take evidence and inquire into the matter in such manner as he may think fit, and if he is still of opinion that the value of the property has been underestimated, may require the applicant to amend the valuation, and, if the application for probate or letters of administration is pending in court, to file a copy of the amended valuation in such court.

(4) If, in any such case, the probate or letters of administration has or have been granted and the applicant amends the valuation to the satisfaction of the Deputy Commissioner and the Deputy Commissioner finds that a less fee has been paid than was payable according to the true value of the estate, he shall proceed under sub-section (4) of section 58; but if a higher fee has been paid than was payable according to the true value of the estate, the excess fee shall be refunded to the applicant.

(5) If the applicant does not amend the valuation to the satisfaction of the Deputy Commissioner, the Deputy Commissioner may move the court before which the application for probate or letters of administration was made to hold an inquiry into the true value of the property;

Provided that no such motion shall be made ¹after the expiration of six months¹[from the date on

which the Deputy Commissioner is informed by the Court of the exhibition of the inventory] required by section 317 of the Indian Succession Act, 1925 (Central Act XXXIX of 1925).

1. Substituted by Act No.80 of 1976 , w.e.f. 31-3-1979, for the words "from the date of the exhibition of the inventory".

Section 57 - - Application to court and power of court

(1) The court shall, when moved by the Deputy Commissioner under sub-section (5) of section 56, hold or cause to be held by any court or officer subordinate to it an inquiry as to the true value at which the estate of the deceased should have been estimated. The Deputy Commissioner shall be deemed to be a party to the inquiry.

(2) For the purposes of any such inquiry, the court, or the subordinate court or the officer authorised by the court to hold the inquiry, may examine the applicant on oath either in person or by commission, and may take such further evidence as may be produced to prove the true value of the estate, and where the inquiry has been entrusted to a subordinate court or officer, such court or officer shall return to the court the evidence taken and report the result of the inquiry and such report and the evidence so taken shall be evidence in the proceedings.

(3) The court on the completion of the inquiry or on receipt of the report referred to in sub-section (2), as the case may be, shall record a finding as to the true value at which the estate should have been estimated and such finding shall be final.

(4) The court may make such order in accordance with the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), as to the cost of the inquiry as it thinks fit.

Section 58 - - Provision for cases where too low a fee has been paid

(1) Where too low a 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, applies, to the Deputy Commissioner in the form set forth in Part II of Schedule III and pays within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, what is wanting to make up the fee which ought to have been paid at first on such probate or letters the Deputy Commissioner shall, if satisfied that a low fee was paid in the first instance in consequence of a mistake and without any intention of fraud or to delay the payment of the proper fee,¹[cause the deficit fee to be recovered].

(2) If, in a case falling under sub-section (1) the executor or administrator does not, within the six months referred to in that subsection, pay the deficit fee, he shall forfeit a sum equal to five times the deficit fee.

(3) If, on application being made under sub-section (1), the Deputy Commissioner is not satisfied that the application was made within six months of the discovery of the mistake or of

further effects not included in the original valuation or that the payment of a low fee in the first instance was not due to a bona fide mistake, he shall²[cause the deficit fee to be recovered] together with a penalty not exceeding five times such fee.

(4) If, after the grant of probate or letters of administration of an estate, it is found by the Deputy Commissioner as a result of proceedings under section 56 or section 57 or otherwise, that a less fee has been paid than was payable according to the true value of the estate, he shall³[cause the deficit fee to be recovered], and if he is satisfied that the original undervaluation was not bona fide he shall levy in addition a penalty not exceeding five times the deficit fee.

(5) The Chief Controlling Revenue Authority may remit the whole or any part of the amount forfeited under sub-section (2) or of any penalty under sub-section (3) or sub-section (4).

1. Substituted by Act No. 10 of 2003, w.e.f. for the words "cause the probate or letters to be duly stamped."

2. Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003 for the words "cause the probate or letters to be duly stamped on payment of the deficit fee"

3. Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003 for the words "cause the probate or letters to be properly stamped on payment of the deficit fee"

Section 59 - - Administrator to give proper security [xxxxx]

59. Administrator to give proper security¹[xxxxx].--

In case of letters of administration on which too low a fee has been paid at first, the Deputy Commissioner²[shall require the administrator to give 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 estate of the deceased had been then ascertained.

1. Omitted by Act No. 10 of 2003, w.e.f. 1-4-2003 the words "before letters stamped"

2. Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003 for the words "shall not cause the same to be duly stamped in the manner aforesaid until the administrator has given such security to the Court"

Section 60 - - Relief when too high a fee has been paid

(1) If, at any time after the grant of the probate or letters of administration of an estate, it is discovered that a higher fee has been paid than was payable according to the true value of the estate, the executor or the administrator, as the case may be, may apply for a refund to the Deputy

Commissioner to whom a copy of the valuation of the estate was sent under sub-section (2) of section 52. the application shall be accompanied by an amended valuation in the form set forth in Part II of schedule III together with the probate or letters of administration upon which a refund is sought.

(2) If the deputy Commissioner is satisfied that the¹[amended valuation is correct, he shall refund the difference between the fee originally paid and that which should have been paid and endorse a certificate accordingly on the probate or letters of administration.]

Provided that, no refund shall be granted under this section unless the application for refund is made within three years of the date of the grant of the probate of letters of administration or within such further period as the Deputy Commissioner may allow.

If, by reason of any legal proceedings, 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 period of three years, the Deputy Commissioner may allow such further time for making the claim as may appear to him to be reasonable under the circumstances.

If the Deputy Commissioner does not grant a refund, the executor or administrator, as the case may be, may apply to the Chief Controlling Revenue Authority for an order of refund. An application for such refund should be accompanied by an amended valuation in the form set forth in part II of schedule III.

1. Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003 for the words

Previous Reference : amended valuation is correct, he shall-

(i) endorse a certificate on the stamped probate or letters of administration to the effect that so much of the fee represented by the stamp or stamps used has been refunded; and

(ii) refund the difference between the fee originally paid and that which should have been paid:

Section 61 - - Recovery of penalties, etc.

Any excess fee found to be payable by an applicant for probate or letters of administration or by an executor or administrator, or any costs under sub-section (4) of section 57 or any penalty or forfeiture payable by any such executor or administrator 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.

Section 62 - - Powers of Chief Controlling Revenue Authority

The powers and duties of the Deputy Commissioner under this Chapter shall be subject to the control of the Chief Controlling Revenue Authority.

Chapter VII - - REFUNDS AND REMISSIONS

(1) Where a plaint or memorandum of appeal is rejected on the ground of delay in its¹[re-presentation] or where the fee paid on a plaint or memorandum of appeal is deficient and the deficiency is not made good, within the time allowed by law or granted by the court, or the delay in payment of the deficit fee is not condoned and the plaint or memorandum of appeal is consequently rejected, the court shall direct the refund to the plaintiff or the appellant, of the fee paid on the plaint or memorandum of appeal which has been rejected.

(2) Where a memorandum of appeal is rejected on the ground that it was not presented within the time allowed by the law of limitation, one-half of the fee shall be refunded.

1. Substituted by Act No. 10 of 1964, for the words "presentation" w.e.f. 5-3-1964.

Section 64 - Refund in cases of remand

(1) Where a plaint or memorandum of appeal which has been rejected by the lower court is ordered to be received, or where a suit is remanded in appeal for a fresh decision by the lower court, the court making the order or remanding the appeal shall, where the whole decree is reversed and the suit is remanded, and may in other cases direct the refund to the appellant of the full amount of fee paid on the memorandum of appeal; and, if the remand is on second appeal, also on the memorandum of appeal in the first appellate court.

(2) Where an appeal is remanded in second appeal for a fresh decision by the lower appellate court, the High Court remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of second appeal:

Provided that, no refund shall be ordered if the remand was caused by the fault of the party who would otherwise be entitled to a refund:

Provided further that, if the order of remand does not cover the whole of the subject matter of the suit, the refund shall not extend to more than so much fee as would have been originally payable on that part of the subject-matter in respect whereof the suit has been remanded.

Section 65 - Refund where Court reverses or modifies former decision on ground of mistake

Where an application for a review of judgment is admitted on the ground of some mistake or error apparent on the face of the record, and on the rehearing the court reverses or modifies its former decision on that ground, it shall direct the refund to the applicant of so much of the fee paid on the application as exceeds the fee payable on any other application to such court under Article 11 (g) and (t) of Schedule II.

Section 66 - Refund on settlement before hearing

whenever by agreement of parties,-

(a) any suit is dismissed as settled out of Court before any evidence has been recorded on the merits of claim; or

(b) any suit is compromised ending in a compromise decree before any evidence has been recorded on the merits of the claim; or

(c) any appeal is disposed of before the commencement of hearing of such appeal;

half the amount of all fees paid in respect of the claim or claims in the suit or appeal shall be ordered by the court to be refunded to the parties by whom the same have been respectively paid.

Explanation: The expression "merits of the claim" shall have the meaning assigned to it in Section II.

Section 67 - Refund of fee paid by mistake or inadvertence

The fee paid by mistake or inadvertence shall be ordered to be refunded.

Section 68 - Instruments of partition

Where the final decree in a partition suit has been engrossed on non-judicial stamps furnished by the parties, the court shall refund to the parties of so much of the valued fee paid by them as is equal to the value of the non-judicial stamps furnished by them.

Section 69 - Exemption of certain documents

Nothing contained in this Act shall render the following documents chargeable with any fee:

(i) mukhtarnama, vakalatnama or other written authority 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) memorandum of appearance filed by advocates or pleaders when appearing for persons proceeded against in criminal cases;

(iii) plaints and other documents in suits filed in village court;

(iv) application or petition to a Deputy Commissioner or other officer making a settlement of land revenue, or to the State Government relating to matters connected with the assessment of land, or with the ascertainment of rights thereto or interest therein, if presented previous to the final confirmation of such settlement;

(v) application relating to a supply for irrigation of water belonging to Government;

(vi) application for leave to extend cultivation or to relinquish land, when presented to an officer of land revenue by a person holding, under a direct engagement with Government, land of which revenue is settled but not permanently;

(vii) application for service of notice of relinquishment of land or of enhancement of rent;

(viii) written authority to an agent to distrain;

(ix) first application (other than a petition containing a criminal charge of 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 made for the immediate purpose of being produced in Court;

(x) bail bonds in criminal cases, recognizances to prosecute or give evidence and recognizances for personal appearance or otherwise;

(xi) 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;

(xii) petition by a prisoner or other person in duress or under restraint of any court or its officer;

(xiii) complaint of a public servant as defined in the Indian Penal Code (Central Act XLV of 1860) or an officer of the State Railway;

(xiv) application for permission to cut and remove timber in Government forests or otherwise relating to such forests, not being applications from forest contractors for extending the period of their leases;

(xv) application for the payment of money due by the Government to the applicant, other than an application for refund of lapsed deposit made six months after the date on which the amount lapsed to the Government;

(xvi) petition of appeal against any municipal tax;

(xvii) application for compensation under any law, for the time being in force relating to the acquisition of property for public purposes;

(xviii) petition under section 48 of the Indian Christian Marriage Act, 1872 (Central Act XV of 1872);

(xix) petition or appeal by a Government servant or a servant of the Court of Wards when presented to any superior officer or Government against orders of dismissal, reduction or suspension; copies of such orders filed with such appeals, and applications for obtaining such copies.

(xx) Copy of record of rights filed with complaints or applications.

Section 70 - Power to reduce or remit fees

¹[(1) The State Government may, by Notification in the official Gazette, reduce or remit in the whole or any part of the ²[State of Karnataka], if in the opinion of the State Government it is necessary in public interest so to do, the fee payable in respect of any particular class of documents or any of the documents belonging to such class, of any documents when filed, exhibited or recorded by or acted on at the instance of or furnished to, any particular class of persons or any members of such class; and may in like manner cancel or vary such notification].

(2) Every notification under sub-section (1) shall be laid as soon as may be after it is published in the official Gazette before the state Legislative Assembly while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of that period, the state Legislative Assembly makes any modification in the notification or directs that the notification shall not have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be.

1. Sub-section (1) substituted by Section 6 of Act No. 10 of 1964, w.e.f. 5-3-1964.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973, w.e.f. 1-11-1973.

Section 63 - - Refund in case of delay in presentation of plaint, etc.

(1) Where a plaint or memorandum of appeal is rejected on the ground of delay in its¹[re-presentation] or where the fee paid on a plaint or memorandum of appeal is deficient and the deficiency is not made good, within the time allowed by law or granted by the court, or the delay in payment of the deficit fee is not condoned and the plaint or memorandum of appeal is consequently rejected, the court shall direct the refund to the plaintiff or the appellant, of the fee paid on the plaint or memorandum of appeal which has been rejected.

(2) Where a memorandum of appeal is rejected on the ground that it was not presented within the time allowed by the law of limitation, one-half of the fee shall be refunded.

1. Substituted by Act No. 10 of 1964, for the words "presentation" w.e.f. 5-3-1964.

Section 64 - - Refund in cases of remand

(1) Where a plaint or memorandum of appeal which has been rejected by the lower court is ordered to be received, or where a suit is remanded in appeal for a fresh decision by the lower court, the court making the order or remanding the appeal shall, where the whole decree is reversed and the suit is remanded, and may in other cases direct the refund to the appellant of the full amount of fee paid on the memorandum of appeal; and, if the remand is on second appeal, also on the memorandum of appeal in the first appellate court.

(2) Where an appeal is remanded in second appeal for a fresh decision by the lower appellate court, the High Court remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of second appeal:

Provided that, no refund shall be ordered if the remand was caused by the fault of the party who would otherwise be entitled to a refund:

Provided further that, if the order of remand does not cover the whole of the subject matter of the suit, the refund shall not extend to more than so much fee as would have been originally payable on that part of the subject-matter in respect whereof the suit has been remanded.

Section 65 - - Refund where Court reverses or modifies former decision on ground of mistake

Where an application for a review of judgment is admitted on the ground of some mistake or error

apparent on the face of the record, and on the rehearing the court reverses or modifies its former decision on that ground, it shall direct the refund to the applicant of so much of the fee paid on the application as exceeds the fee payable on any other application to such court under Article 11 (g) and (t) of Schedule II.

Section 66 - - Refund on settlement before hearing

whenever by agreement of parties,-

(a) any suit is dismissed as settled out of Court before any evidence has been recorded on the merits of claim; or

(b) any suit is compromised ending in a compromise decree before any evidence has been recorded on the merits of the claim; or

(c) any appeal is disposed of before the commencement of hearing of such appeal;

half the amount of all fees paid in respect of the claim or claims in the suit or appeal shall be ordered by the court to be refunded to the parties by whom the same have been respectively paid.

Explanation: The expression "merits of the claim" shall have the meaning assigned to it in Section II.

Section 67 - - Refund of fee paid by mistake or inadvertence

The fee paid by mistake or inadvertence shall be ordered to be refunded.

Section 68 - - Instruments of partition

Where the final decree in a partition suit has been engrossed on non-judicial stamps furnished by the parties, the court shall refund to the parties of so much of the valued fee paid by them as is equal to the value of the non-judicial stamps furnished by them.

Section 69 - - Exemption of certain documents

Nothing contained in this Act shall render the following documents chargeable with any fee:

(i) mukhtarnama, vakalatnama or other written authority 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) memorandum of appearance filed by advocates or pleaders when appearing for persons proceeded against in criminal cases;

(iii) plaints and other documents in suits filed in village court;

(iv) application or petition to a Deputy Commissioner or other officer making a settlement of land revenue, or to the State Government relating to matters connected with the assessment of land, or with the ascertainment of rights thereto or interest therein, if presented previous to the final confirmation of such settlement;

(v) application relating to a supply for irrigation of water belonging to Government;

(vi) application for leave to extend cultivation or to relinquish land, when presented to an officer of land revenue by a person holding, under a direct engagement with Government, land of which revenue is settled but not permanently;

(vii) application for service of notice of relinquishment of land or of enhancement of rent;

(viii) written authority to an agent to distrain;

(ix) first application (other than a petition containing a criminal charge of 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 made for the immediate purpose of being produced in Court;

(x) bail bonds in criminal cases, recognizances to prosecute or give evidence and recognizances for personal appearance or other wise;

(xi) 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;

(xii) petition by a prisoner or other person in duress or under restraint of any court or its officer;

(xiii) complaint of a public servant as defined in the Indian Penal Code (Central Act XLV of 1860) or an officer of the State Railway;

(xiv) application for permission to cut and remove timber in Government forests or otherwise relating to such forests, not being applications from forest contractors for extending the period of their leases;

(xv) application for the payment of money due by the Government to the applicant, other than an application for refund of lapsed deposit made six months after the date on which the amount lapsed to the Government;

(xvi) petition of appeal against any municipal tax;

(xvii) application for compensation under any law, for the time being in force relating to the acquisition of property for public purposes;

(xviii) petition under section 48 of the Indian Christian Marriage Act, 1872 (Central Act XV of 1872);

(xix) petition or appeal by a Government servant or a servant of the Court of Wards when presented to any superior officer or Government against orders of dismissal, reduction or suspension; copies of such orders filed with such appeals, and applications for obtaining such copies.

(xx) Copy of record of rights filed with plaints or applications.

Section 70 - - Power to reduce or remit fees

¹[(1) The State Government may, by Notification in the official Gazette, reduce or remit in the whole or any part of the²[State of Karnataka], if in the opinion of the State Government it is necessary in public interest so to do, the fee payable in respect of any particular class of documents or any of the documents belonging to such class, of any documents when filed, exhibited or recorded by or acted on at the instance of or furnished to, any particular class of persons or any members of such class; and may in like manner cancel or vary such notification].

(2) Every notification under sub-section (1) shall be laid as soon as may be after it is published in the official Gazette before the state Legislative Assembly while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of that period, the state Legislative Assembly makes any modification in the notification or directs that the notification shall not have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be.

1. Sub-section (1) substituted by Section 6 of Act No. 10 of 1964, w.e.f. 5-3-1964.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973, w.e.f. 1-11-1973.

Chapter VIII - - MISCELLANEOUS

¹[71. Collection of fees.--

All fees chargeable under this Act may be paid,-

(i) in cash where the amount of fees is not more than rupees five hundred;

(ii) in the Government Treasury or through a demand draft in case the amount of fee is more than rupees five hundred.]

1. Section 71 Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003.

*(Previous Reference :71. Collection of fees by stamps: All fees chargeable under this Act shall be collected by stamps.

Section 72 - Stamps to be impressed or adhesive

172. Stamps to be impressed or adhesive.--

XXXXX

1. Omitted by Act No. 2003, w.e.f. 1-4-2003

*(Previous Reference : 72. Stamps to be impressed or adhesive: The stamps used to denote any fee chargeable under this Act shall be impressed or adhesive or partly impressed and partly adhesive, as the State Government may, by notification in the official Gazette from time to time, direct .

Section 73 - Amended document

1[73. Amended document.--

Where any document in respect of which fee is chargeable under this Act 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 fee.]

1. Section 73 Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003.

Previous Reference : 73. Amended document: Where any document which ought to bear a stamp under this Act 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.

Section 74 - Cancellation of Stamp

174. Cancellation of Stamp.--

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1. Sections 74, 75 and 76 Omitted by Act No. 10 of 2003, w.e.f. 1-4-2003.

Previous Reference : 74. Cancellation of stamp: 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 the office may, from time to time, appoint shall, on receiving any such document forth with effect such cancellation by punching out the figurehead so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

#[75. Deduction to be made: (1) Where allowance is made in this Act for damaged or spoiled stamps, the Deputy Commissioner may, on the application of the person concerned and on production of the damaged or spoiled stamps and after satisfying himself about their genuineness pay to him in lieu thereof, the same amount or value in stamps of the same or any other description or, if the applicant so desires, the same amount or value in money:

Provided that in all cases where money is paid in cash a deduction shall be made of ten paise for each rupee or fraction thereof.

(2) Where fee already paid or any portion thereof is directed to be refunded to any person by an order of a court, the court shall pay him by cheque on the local treasury the amount of fee so ordered to be refunded after deducting a sum of ten paise for each rupee or fraction thereof:

Provided that where the amount refundable is five hundred rupees or more the cheque shall be crossed with the words "Account Payee only".

#. *Section 75 Substituted by Act No. 16 of 1984, w.e.f. 19-4-1984.

*Previous Reference: 75. Deduction to be made: Where allowance is made in this Act for damaged or spoiled stamps, or where fee already paid is directed to be refunded to any person by an order of court, the Deputy Commissioner may, on the application of the person concerned, pay to him the amount of fee or where damaged or spoiled stamps are produced, he may, after satisfying himself about their genuineness, in lieu thereof the same amount or value in stamps of the same or any other description, or if the applicant so desires, the same amount or value in money provided that in all cases where money is paid in cash, a deduction shall be made of #[ten naya paise] for each rupee or fraction thereof. No such deduction shall however be made where refund is claimed in respect of any fee paid in pursuance of an order of court which has been varied or reversed in appeal.

Substituted by Act 10 of 1964.

Contd.

(3) No such deduction shall, however, be made where refund is claimed in respect of any fee paid in pursuance of an order of a court which has been varied or reversed in appeal.

(4) A statement of the amount refunded under sub-section(2) shall be sent by the court to the Deputy Commissioner concerned at the end of every month in such form as may be prescribed.]

Section 75 - Deduction to be made

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Section 76 - Penalty

xxxxxxxxx]

Section 76A - [76-A. Legal Benefit Fund

¹[76-A. Legal Benefit Fund.--

(1) Notwithstanding anything contained in this Act or any other law for the time being in force, it shall be competent for the State Government to levy an additional court-fee, by notification, in respect of appeals or revisions to tribunals or appellate authorities, other than Civil and Criminal courts, at a rate not exceeding one hundred rupees for each appeal or revision.

(2) There shall be constituted a legal benefit fund to which shall be credited the proceeds of the additional court-fee levied and collected under sub-section (1).

(3) The fund constituted under sub-section(2), shall be applied and utilised for the purpose of providing an efficient legal service for the people of the State and to provide social security measures for the legal profession.

(4) The mode and manner in which legal service to the people may be made more efficient and security measures for the legal profession may be provided, shall be as prescribed by rules made by Government.]

1. Section 76-A Inserted by of Act No. 2 of 1985, w.e.f. 1-11-1986, by Notification No. LAW 49 LGR 85, dated 23-9-1986.

Section 77 - Power of High Court to make rules

(1) The High Court may make rules to provide for or regulate all or any of the following matters, namely:

(a) the fees payable for serving and executing processes issued by the High Court¹[x x x] and by the civil and criminal courts subordinate thereto;

(b) the remuneration of persons employed by the courts mentioned in clause (a) in the service or execution of processes;

(c) the fixing by District and Sessions Judges and District Magistrates of the number of Process servers necessary to be employed for the service and execution of processes issued from their respective courts and the courts subordinate thereto;

(d) the display in each court of a table in the English and in the local language or languages showing the fees payable for the service and execution of processes.

(2) All rules made under sub-section (1) shall be subject to confirmation by the State Government and on such confirmation shall be published in the official Gazette and shall thereupon have the force of law.

1. Omitted by Act No. 10 of 1964, w.e.f. 5-3-1964 the words "in its appellate jurisdiction".

Section 78 - Power of State Government to make rules

(1) The State Government may by notification in the officialGazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality ofthe foregoing power, rules may be made to

provide for or regulate all or any of the following matters, namely:-

(a) the fees chargeable for serving and executing processes issued by the ¹ [Karnataka Revenue Appellate Tribunal] and by the Revenue Courts;

(b) the remuneration of the persons necessary to be employed for the service and execution of such processes;

(c) the fixing by Deputy Commissioners of the number of persons necessary to be employed for the service and execution of such process;

(d) the guidance of Deputy Commissioners in the exercise of their powers under Chapter VI;

² [(e) xxxxxxxx

(f) xxxxxxxx

(g) xxxxxxxx

(h) xxxxxxxx

(i) xxxxxxxx

(j) xxxxxxxx]

(3) All rules made under this Act shall be laid as soon as may be after they are made before the State Legislative Assembly while it is in session, for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of that period, the State Legislative Assembly makes any modification in the rules or directs that any rule shall not have effect, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be.

1. Adapted the Karnataka Adaptations of Laws Order, 1973, w.e.f. 1-11-1973.

2. *Clauses (e), (f), (g), (h), (i), (j), Omitted by Act No. 10 of 2003, w.e.f. 1-4-2003.

Contd.*2. Clauses (e), (f), (g), (h), (i), (j), Omitted by Act No. 10 of 2003, w.e.f. 1-4-2003 the

(e) the supply of stamps to be used under this Act;

(f) the number of stamps to be used for denoting any fee chargeable under this Act;

(g) the keeping of accounts of all stamps used under this Act;

(h) the circumstances in which stamps may be held to be damaged or spoiled;

(i) the circumstances in which, the manner in which and the authorities by which, allowance for used, damaged or spoiled stamps may be made;

(j) the regulation of the sale of stamps to be used under this Act, the persons by whom alone such stamps may be sold and the duties and remuneration of such persons.

Section 79 - Repeal and savings

(1) The Court Fees Act, 1870 (Central Act VII of 1870) in its application to the ¹[Belgaum Area], and the Coorg District, the Hyderabad Court fees Act 1324F (Hyderabad Act VI of 1324F) as in force in the ¹[Gulbarga Area]; the Mysore Court fees Act, 1900 (Mysore Act III of 1900) and Sections 11 and 17A of the Mysore Civil Courts Act 1883 (Mysore Act I of 1883) as in force in the Mysore Area, in relation to the fees and stamps other than fees and stamps relating to

documents presented or to be presented before and officer serving the Central Government, and the suits Valuation Act, 1887 (Central Act VII of 1887), in its application to the [Belgaum Area], and the Coorg District, the Hyderabad Suits Valuation (For purposes of Jurisdiction) Act, 1318F (Hyderabad Act IV of 1318 Fasli), as in force in the¹[Gulbarga Area], and the Mysore Suits Valuation Act, 1951 (Mysore Act X X X I X of 1951) as in force in the Mysore Area, and the Madras Court Fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955) as in force in the¹[Mangalore and Kollegal Area], are hereby repealed:

Provided that such repeal shall not affect-

(a) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Notwithstanding anything contained in sub-section (1), for the purpose of giving effect to the preceding proviso to the said subsection (1), the State Government may, by notification in the Official Gazette, make such provision as appears to it to be necessary or expedient-

(a) for making omissions from, additions to and adaptations and modifications of the rules, notifications and orders issued under the repealed enactments;

(b) for specifying the authority, officer or person who shall be competent to exercise such functions exercisable under any of the repealed enactments or any rules, notifications, or orders issued thereunder as may be mentioned in the said notification.

(3) All suits and proceedings instituted before the commencement of this Act shall, notwithstanding the repeal of the Acts specified in sub-section (1) be governed by the provisions of the said Acts and the rules made thereunder.

1. Adapted the Karnataka Adaptations of Laws Order, 1973, w.e.f. 1-11-1973.

Section 71 - - Collection of fees

¹[71. Collection of fees.--

All fees chargeable under this Act may be paid,-

(i) in cash where the amount of fees is not more than rupees five hundred;

(ii) in the Government Treasury or through a demand draft in case the amount of fee is more than rupees five hundred.]

1. Section 71 Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003.

*(Previous Reference :71. Collection of fees by stamps: All fees chargeable under this Act shall be collected by stamps.

Section 72 - - Stamps to be impressed or adhesive

172. Stamps to be impressed or adhesive.--

XXXXX

1. Omitted by Act No. 2003, w.e.f. 1-4-2003

*(Previous Reference : 72. Stamps to be impressed or adhesive: The stamps used to denote any fee chargeable under this Act shall be impressed or adhesive or partly impressed and partly adhesive, as the State Government may, by notification in the official Gazette from time to time, direct .

Section 73 - - Amended document

1[73. Amended document.--

Where any document in respect of which fee is chargeable under this Act 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 fee.]

1. Section 73 Substituted by Act No. 10 of 2003, w.e.f. 1-4-2003.

Previous Reference : 73. Amended document: Where any document which ought to bear a stamp under this Act 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.

Section 74 - - Cancellation of Stamp

174. Cancellation of Stamp.--

XXXXXX

1. Sections 74, 75 and 76 Omitted by Act No. 10 of 2003, w.e.f. 1-4-2003.

Previous Reference : 74. Cancellation of stamp: 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 the office may, from time to time, appoint shall, on receiving any such document forth with effect such cancellation by punching out the figurehead so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

#[75. Deduction to be made: (1) Where allowance is made in this Act for damaged or spoiled stamps, the Deputy Commissioner may, on the application of the person concerned and on production of the damaged or spoiled stamps and after satisfying himself about their genuineness pay to him in lieu thereof, the same amount or value in stamps of the same or any other description or, if the applicant so desires, the same amount or value in money:

Provided that in all cases where money is paid in cash a deduction shall be made of ten paise for each rupee or fraction thereof.

(2) Where fee already paid or any portion thereof is directed to be refunded to any person by an order of a court, the court shall pay him by cheque on the local treasury the amount of fee so ordered to be refunded after deducting a sum of ten paise for each rupee or fraction thereof:

Provided that where the amount refundable is five hundred rupees or more the cheque shall be crossed with the words "Account Payee only".

#. *Section 75 Substituted by Act No. 16 of 1984, w.e.f. 19-4-1984.

*Previous Reference: 75. Deduction to be made: Where allowance is made in this Act for damaged or spoiled stamps, or where fee already paid is directed to be refunded to any person by an order of court, the Deputy Commissioner may, on the application of the person concerned, pay to him the amount of fee or where damaged or spoiled stamps are produced, he may, after satisfying himself about their genuineness, in lieu thereof the same amount or value in stamps of the same or any other description, or if the applicant so desires, the same amount or value in money provided that in all cases where money is paid in cash, a deduction shall be made of #[ten naya paise] for each rupee or fraction thereof. No such deduction shall however be made where refund is claimed in respect of any fee paid in pursuance of an order of court which has been varied or reversed in

appeal.

Substituted by Act 10 of 1964.

Contd.

(3) No such deduction shall, however, be made where refund is claimed in respect of any fee paid in pursuance of an order of a court which has been varied or reversed in appeal.

(4) A statement of the amount refunded under sub-section(2) shall be sent by the court to the Deputy Commissioner concerned at the end of every month in such form as may be prescribed.]

Section 75 - - Deduction to be made

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Section 76 - - Penalty

xxxxxxxxx]

Section 76A - - [76-A. Legal Benefit Fund

1[76-A. Legal Benefit Fund.--

(1) Notwithstanding anything contained in this Act or any other law for the time being in force, it shall be competent for the State Government to levy an additional court-fee, by notification, in respect of appeals or revisions to tribunals or appellate authorities, other than Civil and Criminal courts, at a rate not exceeding one hundred rupees for each appeal or revision.

(2) There shall be constituted a legal benefit fund to which shall be credited the proceeds of the additional court-fee levied and collected under sub-section (1).

(3) The fund constituted under sub-section(2), shall be applied and utilised for the purpose of providing an efficient legal service for the people of the State and to provide social security measures for the legal profession.

(4) The mode and manner in which legal service to the people may be made more efficient and security measures for the legal profession may be provided, shall be as prescribed by

rules made by Government.]

1. Section 76-A Inserted by of Act No. 2 of 1985, w.e.f. 1-11-1986, by Notification No. LAW 49 LGR 85, dated 23-9-1986.

Section 77 - - Power of High Court to make rules

(1) The High Court may make rules to provide for or regulate all or any of the following matters, namely:

(a) the fees payable for serving and executing processes issued by the High Court¹[x x x] and by the civil and criminal courts subordinate thereto;

(b) the remuneration of persons employed by the courts mentioned in clause (a) in the service or execution of processes;

(c) the fixing by District and Sessions Judges and District Magistrates of the number of Process servers necessary to be employed for the service and execution of processes issued from their respective courts and the courts subordinate thereto;

(d) the display in each court of a table in the English and in the local language or languages showing the fees payable for the service and execution of processes.

(2) All rules made under sub-section (1) shall be subject to confirmation by the State Government and on such confirmation shall be published in the official Gazette and shall thereupon have the force of law.

1. Omitted by Act No. 10 of 1964, w.e.f. 5-3-1964 the words "in its appellate jurisdiction".

Section 78 - - Power of State Government to make rules

(1) The State Government may by notification in the officialGazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality ofthe foregoing power, rules may be made to provide for or regulate all or any ofthe following matters, namely:-

(a) the fees chargeable for serving and executing processesissued by the ¹ [Karnataka Revenue Appellate Tribunal] and by theRevenue Courts;

(b) the remuneration of the persons necessary to be employedfor the service and execution of such processes;

(c) the fixing by Deputy Commissioners of the number ofpersons necessary to be employed for the service and execution of such process;

(d) the guidance of Deputy Commissioners in the exercise of their powers under Chapter VI;

² [(e) xxxxxxxx

(f) xxxxxxxx

(g) xxxxxxxx

(h) xxxxxxxx

(i) xxxxxxxx

(j) xxxxxxxx]

(3) All rules made under this Act shall be laid as soon as may be after they are made before the State Legislative Assembly while it is in session, for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of that period, the State Legislative Assembly makes any modification in the rules or directs that any rule shall not have effect, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be.

1. Adapted the Karnataka Adaptations of Laws Order, 1973, w.e.f. 1-11-1973.

2. *Clauses (e), (f), (g), (h), (i), (j), Omitted by Act No. 10 of 2003, w.e.f. 1-4-2003.

Contd.*2. Clauses (e), (f), (g), (h), (i), (j), Omitted by Act No. 10 of 2003, w.e.f. 1-4-2003 the

(e) the supply of stamps to be used under this Act;

(f) the number of stamps to be used for denoting any fee chargeable under this Act;

(g) the keeping of accounts of all stamps used under this Act;

(h) the circumstances in which stamps may be held to be damaged or spoiled;

(i) the circumstances in which, the manner in which and the authorities by which, allowance for used, damaged or spoiled stamps may be made;

(j) the regulation of the sale of stamps to be used under this Act, the persons by whom alone such stamps may be sold and the duties and remuneration of such persons.

Section 79 - - Repeal and savings

(1) The Court Fees Act, 1870 (Central Act VII of 1870) in its application to the¹[Belgaum Area], and the Coorg District, the Hyderabad Court fees Act 1324F (Hyderabad Act VI of 1324F) as in force in the¹[Gulbarga Area]; the Mysore Court fees Act, 1900 (Mysore Act III of 1900) and Sections 11 and 17A of the Mysore Civil Courts Act 1883 (Mysore Act I of 1883) as in force in the Mysore Area, in relation to the fees and stamps other than fees and stamps relating to documents presented or to be presented before and officer serving the Central Government, and the suits Valuation Act, 1887 (Central Act VII of 1887), in its application to the [Belgaum Area], and the Coorg District, the Hyderabad Suits Valuation (For purposes of Jurisdiction) Act, 1318F (Hyderabad Act IV of 1318 Fasli), as in force in the¹[Gulbarga Area], and the Mysore Suits Valuation Act, 1951 (Mysore Act X X X I X of 1951) as in force in the Mysore Area, and the Madras Court Fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955) as in force in the¹[Mangalore and Kollegal Area], are hereby repealed:

Provided that such repeal shall not affect-

(a) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Notwithstanding anything contained in sub-section (1), for the purpose of giving effect to the preceding proviso to the said subsection (1), the State Government may, by notification in the Official Gazette, make such provision as appears to it to be necessary or expedient-

(a) for making omissions from, additions to and adaptations and modifications of the rules, notifications and orders issued under the repealed enactments;

(b) for specifying the authority, officer or person who shall be competent to exercise such functions exercisable under any of the repealed enactments or any rules, notifications, or orders issued thereunder as may be mentioned in the said notification.

(3) All suits and proceedings instituted before the commencement of this Act shall, notwithstanding the repeal of the Acts specified in sub-section (1) be governed by the provisions of the said Acts and the rules made thereunder.

1. Adapted the Karnataka Adaptations of Laws Order, 1973, w.e.f. 1-11-1973.

Schedule I - - SCHEDULE I

RATES OF AD VALOREM FEES LEVIABLE ON THE PLAINTS IN KARNATAKA

SCHEDULE I

Article	Particulars	Proper fee
(1)	(2)	(3)
1	Plaint, written statement When the	

	amount or value of the subject-matter in dispute--	
	(i) not exceeding rupees 15,000	2 %
	(ii) exceeding rupees 15,000 but not exceeding rupees, 75,000	Rupees 375 plus 7% of the amount exceeding rupees 15,000
	(iii) exceeding rupees 75,000 but not exceeding rupees, 2,50,000	Rupees 4,875 plus 7% of the amount exceeding rupees 75,000
	(iv) exceeding rupees 2,50,000 but not exceeding rupees, 5,00,000	Rupees 17,125 plus 6% of the amount exceeding rupees 2,50,000
	(v) exceeding rupees 5,00,000 but not exceeding rupees 7,50,000	Rupees 33,375 plus 6% of the amount exceeding rupees 5,00,000
	(vi) exceeding rupees 7,50,000 but not exceeding rupees 10,00,000	Rupees 48,375 plus 5% of the amount exceeding rupees 7,50,000
	(vii) exceeding rupees 10,00,000 but not exceeding rupees 15,00,000	Rupees 62,125 plus 5% of the amount exceeding rupees 10,00,000
	(viii) exceeding rupees 15,00,000 but not exceeding rupees 20,00,000	Rupees 87,125 plus 4% of the amount exceeding rupees 15,00,000
	(ix) exceeding rupees 20,00,000 but not exceeding rupees 25,00,000	Rupees 1,09,625 plus 4% of the amount exceeding rupees, 20,00,000
	(x) exceeding rupees 25,00,000 but not exceeding rupees 30,00,000	Rupees 1,29,625 plus 3% of the amount exceeding rupees 25,00,000
	(xi) exceeding rupees 30,00,000 but not exceeding rupees 40,00,000	Rupees 1,47,125 plus 3% of Proper fee the amount exceeding

		rupees 30,00,000
	(xii) exceeding rupees 40,00,000 but not exceeding rupees 50,00,000	Rupees 1,77,125 plus 2% of the amount exceeding rupees 40,00,000
	(xiii) exceeding rupees 50,00,000 but not exceeding rupees 60,00,000	Rupees 2,02,125 plus 2% of the amount exceeding rupees 50,00,000
	(xiv) exceeding rupees 60,00,000 but not exceeding rupees 70,00,000	Rupees 2,22,125 plus 1% of the amount exceeding rupees 60,00,000
	(xv) exceeding rupees 70,00,000 but not exceeding rupees 80,00,000	Rupees 2,37,125 plus 1% of the amount exceeding rupees 70,00,000
	(xvi) above rupees 80,00,000	Rupees 2,47,125 plus % of the amount exceeding rupees 80,00,000
2(a)	Petition under section 26 of the Provincial Insolvency Act, 1920 as extended and amended by the Provincial Insolvency Karnataka Extension and Amendment Act, 1962 (Karnataka Act 7 of 1963) or application under section 95 of the CPC, 1908.	An amount of one-half the scale of fee prescribed in Article 1 on the amount or compensation claimed.
(b)	Appeal against order on a petition or application falling under clause (a).	On the scale prescribed in Article 1 on the amount in dispute.
3(a)	Petition under section 53 or 54 of the Provincial Insolvency Act, 1920 as extended and amended by the Provincial Insolvency Karnataka Extension and Amendment Act, 1962 (Karnataka Act 7 of 1963).	An amount of one-half of the scale of fee prescribed in Article 1 on the market-value of the subject-matter subject to a maximum fee of rupees five hundred.
(b)	Appeal against order on a petition falling under clause (a) whether by the	An amount of one-half of the scale of fee

	Official receiver or by the unsuccessful party.	prescribed in Article 1 on the market-value of the subject-matter to a maximum fee of rupees five hundred.
4.	Memorandum of appeal against order in proceedings under the Indian Succession Act, 1925.	An amount of one-half of the scale of fee prescribed in Article 1 on the amount or value of the subject-matter.
5.	Application for review of judgment, if presented before the ninetieth day from the date of the decree.	One-half of the fee leviable on the plaint or memorandum of appeal.
5A	Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.	The fee leviable on the plaint or memorandum of appeal.
5AA	Application for review of order of the Karnataka Administrative Tribunal.	Twenty Rupees.
6.	Probate of a will or letters of administration with or without will annexed--	
	(a) 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 three lakhs of rupees.	(a) Three per cent.
	(b) When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs of rupees, on the part of amount or value in excess of three lakhs of rupees.	(b) Five per cent or rupees thirty thousand whichever is less.
7.	Certificate under Part X of the Indian Succession Act, 1925.	The fee leviable in the case of a probate (Article 6) on the amount or value of any debt or security specified in the

		<p>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.</p> <p>Note.-(1.) The amount of debt is its amount including interest, on the date on which the inclusion of the debt certificate is applied for, so far as such amount can be ascertained.</p> <p>(2.) Whether or not any power with respect to security specified in a certificate has been conferred under the Act, and where such a power has been so conferred, whether such power is for 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 or for both purposes, the value of the security is its market value on the day on which the</p>
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		inclusion of the security in the certificate is applied for, so far as such can be ascertained.
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SCHEDULE II

Article	Particulars	Proper fee
(1)	(2)	(3)
1	Petition in a suit under the Mysore Converts' Marriage Dissolution Act, 1866 (Mysore Act XXI of 1866); or the Converts' Marriage Dissolution Act, 1866 (Central Act XXI of 1866); Petition under the Indian Divorce Act, 1869 (Central Act IV of 1869), other than a petition under Section 44 of that Act, and every memorandum of appeal under Section 55 of that Act;	One hundred rupees
	Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1939 (Central Act III of 1936), or counterclaim made under Section 37 of that Act-	
	Petition, plaint or memorandum of appeal when presented to a Court under the Dissolution of Muslim Marriage Act, 1939 (Central Act VIII of 1939), the Mysore Dissolution of Muslim Marriage Act, 1943 (Mysore Act XLIII of 1943); and the Dissolution of Muslim Marriage Act, 1939 (Central Act VIII of 1939), as in force in the Gulbarga Area;	
	Petition under Sections 22, 23, 24, 25 or 27 of the Special Marriage Act, 1954 (Central Act 43 of 1954) and memorandum of appeal under Section 39 of that Act;	

	Petition under Sections 9, 10, 11, 12 or 13 of the Hindu Marriage Act, 1955 (Central Act 25 of 1955) and memorandum of appeal under Section 28 of that Act.	
	If in a suit falling under any of the above paragraphs, there is a specific claim for damages, separate fee at the rates prescribed in Article 1 of Schedule I shall be charged on the amount of damages claimed.	
2.	Undertaking under Section 49 of the Indian Divorce Act, 1869.	Five rupees
3.	Memorandum of appeal from a decision or an award or order inclusive of an order determining any question under Section 47 or Section 144 of the Code of Civil Procedure, 1908, and not otherwise provided for when presented.--	
(i)	to any Court other than the High Court or to any Executive Officer.	Four rupees
(ii)	to the Karnataka Appellate Tribunal or the Co-operative Appellate Tribunal.	Eight rupees.
(iii)	to the High Court --	
	(1) Where the order was passed by a subordinate Court or other authority-	
	(a) If the order relates to a suit or proceeding, the value of which exceeds one thousand rupees.	Fifteen rupees
	(b) In any other case	Eight rupees
	(2) Where the appeal is under Section 45-B of the Banking Companies Act, 1949	One hundred rupees
	(3) Where the appeal is under Section 411-A of the Code of Criminal Procedure, 1898.	Five rupees
(iv)	to the government in pursuance of a statutory right to appeal for which no Court-fee is leviable under any other enactment.	Ten rupees
4.	Memorandum of appeal under	

	Section 39 of the Arbitration Act, 1940--	
(i)	in a case where the value or jurisdiction does not exceed Rs. 5,000:	Fifteen rupees
(i-a)	in a case where the value or jurisdiction exceeds Rs. 5,000 but does not exceed Rs. 50,000	Fifty Rupees
(ii)	in any other case	One hundred and fifty rupees
5.	Copy or translation of a judgment or order not being or having the force of a decree.	One rupee
6.	Copy or translation of a judgment or order of a Criminal Court.	Fifty paise.
7.	Copy of a decree or order having the force of a decree.--	
	When such decree or order is made by any Court other than the High Court.	One rupee
	When such decree or order is made by the High Court.	Four rupees.
8.	Copy of any document liable to stamp duty under any law in force relating to stamps when left by any party to a suit or proceeding in place of the original withdrawn.--	
(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	One rupee and twenty-five paise.
9.	Copy of any revenue or judicial proceedings or order not otherwise provided for by this Act or copy of any account, statement, report, order or the like taken out of any Court or Public Office.	
	For every three hundred and sixty words or fraction of three hundred and sixty words.	Fifty paise
10. (a)	Application or petition presented to	One rupee

	any officer of the Excise or Prohibition 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	
(b)	Application or petition 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.	One rupee
(c)	Application or petition presented to any Municipal Corporation, Municipal Council, Sanitary Board, Notified Area Committee, Town Area Committee, the Commissioner, Executive Officer, Chief Officer, Secretary, President or Chairman 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.	One rupee
(d)	Application or petition presented to any officer of land revenue relating to the grant of land on darkhast.	One rupee
(e)	Application to a Deputy Commissioner for lease of land for agricultural or non-agricultural purposes.	Two rupees
(f)	Application to a Forest Officer by a forest contractor for extension of the period of lease.--	
	(i) if the value of the subject matter of the lease is Rs. 5,000 or less;	Twenty five rupees
	(ii) if such value exceeds Rs. 5,000 for every Rs. 1,000 or part thereof in excess of Rs. 5,000.	Five rupees
(g)	Application for attestation of private documents intended to be used outside India	Ten rupees

(h)	Application for lapsed deposit presented after six months after the date on which the amount lapsed to the Government.--	
	(i) When the amount of deposit does not exceed Rs. 50.	One rupee
	(ii) When the amount of deposit exceeds Rs. 50 but does not exceed Rs.1,000.	Two rupees
	(iii) When it exceeds Rs. 1,000	Four rupees
(i)	Application or petition presented to the government and not otherwise provided for;	
	(i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law;	Four rupees
	(ii) in other cases.	Two rupees and fifty paise
(j)	Application or petition presented to the Karnataka Appellate Tribunal or Divisional Commissioner or Chief Executive Authority and not otherwise provided for.--	
	(i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law;	Four rupees
	(ii) in other cases:	Two rupees and fifty paise
(k)	Application for permission for use of agricultural land for non-agricultural purposes.	Ten rupees
(l)	Application or petition not falling under clauses (i) or (j) and presented to a public officer or in a public office and not otherwise provided for--	
	(i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law;	Two Rupees
	(ii) in other cases;	One Rupee
11. (a)	Application or petition presented to any Civil Court other than a Principal Civil Court of original jurisdiction or to	One Rupee

	any Court or Small Causes or to a Deputy Commissioner or other Officers of revenue or Public Officer in relation to any suit or case in which the amount or value of the subject matter is less than fifty rupees.	
(b)	Application or petition presented to any Court or to any Board, Statutory Authority or Public Officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board Statutory Authority or officer, or of any other document or record in such Court, Board Statutory Authority or office.	One Rupee
(c)	Application to any Court that records may be called 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.	One rupee in addition to the fee leviable on the application.
(d)	Application or petition containing a complaint or charge of any offence other than an offence for which police officers may, under the Code of Criminal Procedure, 1898, arrest without warrant, and presented to any Criminal Court.	One rupee
(e)	Application or petition to deposit in Court or in the office of the Deputy Commissioner or other Revenue Officer revenue or rent.	One rupee
(f)	Application or petition for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	One rupee
(g)	Application or petition presented to a Court or to a Deputy Commissioner, or any Revenue Officer or to a Public Officer having jurisdiction equal or subordinate to a Deputy Commissioner, or to any Magistrate	One rupee

	in his executive capacity and not otherwise provided for by this Act.	
(h)	Application for temporary injunction in relation to any suit or proceeding--	
	(i) when presented to any Court.	Ten Rupees
	(ii) when presented to any other authority.	Five Rupees
(ha)	Application for arrest or attachment before judgment when presented to a Civil Court other than the High Court or a Revenue Court in relation to any suit or proceeding	Five Rupees
(i)	Application under Order XXI, Rule 58 of the Code of Civil Procedure, 1908, regarding claim to the attached property.--	
	(i) when filed in a Revenue Court	Five rupees
	(ii) when filed in any other Court	Ten rupees
(j)	Application or petition under Section 47 and Order XXI, Rule 90 of the Code of Civil Procedure, 1908 when filed in any Court.	Five rupees
(ja)	Application or petition under Order 17 Rules 1 and 2 of the Code of Civil procedure, 1908	
	(i) when filed in the High Court	Ten Rupees
	(ii) when filed in any other Court	Five Rupees
(k)	Application or petition under Sections 34, 72, 73, and 74 of the Indian Trusts Act, 1882.	Five rupees
(l)(i)	Application for probate or letters of administration or for revocation thereof to have effect throughout India.	Twenty-five rupees
(ii)	Application for probate or letters of administration or for revocation thereof not falling under clause (i) or an application for a certificate under Part X of the Indian Succession Act, 1925, or Bombay Regulation VIII of 1927.--	

	(1) if the amount or value of the estate does not exceed Rs. 2,000.	Five rupees
	(2) If the value exceeds Rs. 2,000 but does not exceed Rs. 10,000	Ten rupees
	(3) If the amount or value exceeds ten thousand rupees.	Twenty rupees
	Provided that if a caveat is entered and the application is registered as a suit, one half the scale of fee prescribed in Article I of Schedule I on the market value of the estate less the fee already paid on the application shall be levied	
(m)	Original petitions not otherwise provided for when filed in.--	
	(i) any Court subordinate to the High Court.	Two rupees
	(ii) the High Court	Twelve rupees
(n)	Application to set aside an award under the Arbitration Act, 1940 --	
	(1) if the value of the subject matter of the award does not exceed Rs. 5000	Twenty-five rupees
	(2) if such value exceeds Rs. 5,000	One hundred rupees
(o)	Application under Section 14 or Section 20 of the Arbitration Act, 1940, for a direction for filing an award or for an order for filing an agreement and application for enforcing foreign awards when presented to--	
	(1) The Court of the Munsiff,	Fifty rupees
	[x x x]	
	(2) any other Court	Two hundred rupees
(p)	[xxx]	[xxx]
(q)	Revision petition presented to the High Court under Section 115 of the Code of Civil Procedure, 1908, or under the provisions of any other Act, arising out of a suit or proceeding--	
	(i) if the value of the suit or	Five rupees

	proceeding to which the order sought to be revised relates does not exceed Rs. 1,000.	
	(ii) if such value exceeds Rs. 1,000 but does not exceed Rs. 10,000	Fifteen Rupees
	(iii) if the value exceeds Rs. 10,000	Twenty Rupees
(r)	Petition under Sections 391, 439 and 522 of the Companies Act, 1956, in connection with the winding up of a company.	one hundred rupees
(s)	Petition of the High Court under Article 226 of the Constitution for a writ other than the writ of Habeas Corpus, or a petition under Article 227 of the Constitution.	One hundred rupees
(sa)	Appeal petition to the High Court from an original judgment, decree or order of a Single Judge of the High Court made in exercise of the powers under clause (1) of Article 226, Article 227 and Article 228 of the Constitution of India.	One hundred rupees
(t)	Application under Section 45 of the Specific Relief Act, 1877.	Ten rupees
(u)	Application of petition presented to the to the High Court the Karnataka Administrative Tribunal and not otherwise specifically provided for	Two rupees
(v)	Election petition to a Civil Court or Judicial Officer questioning the election of a person in respect of.--	
	(i) the office of Member of a Taluk Board or Panchayat.	Fifteen rupees
	(ii) the office of President or Vice-President of a Taluk Board or Chairman or Vice-Chairman of a Panchayat.	Twenty five rupees
	(iii) the member of a town [x x x] Municipal Council:	Fifty rupees
	(iv) the office of member of a Municipal Corporation in the State or of member of a City Municipal Council	One hundred rupees

	[x x x] [x x x].	
	(v) the office of Mayor or Deputy Mayor of a Municipal Corporation or of Chairman of a Municipality.	Two hundred rupees
	[x x x]	
12.	Application for leave to sue as a pauper	Seventy-five paise
13.	Application for leave to appeal as a pauper.--	
(a)	when presented to a High Court	Two rupees and fifty paise
(b)	when presented to any other Court	One rupee and twenty-five paise.
14.	Bail bond or other instrument of obligation given in pursuance of an order made by a Court of Magistrate under any section of the Code of Criminal Procedure, 1898 or the Code of Civil Procedure, 1908 and not otherwise provided for by this Act.	One rupee and twenty-five paise.
15.	Every copy of power-of-attorney when filed in any suit or proceeding.	Two Rupees
16.	Muktharnama or Vakalatnama or any paper signed by an advocate signifying or intimating that he is retained for a party.	
	When presented--	
(a)	to any Court (other than a High Court or to the Karnataka Administrative Tribunal or to the Karnataka Appellate Tribunal, Sales Tax Appellate Tribunal	One rupee
	[x x x] or Deputy Commissioner or any statutory or other authority or any officer.	One rupee
(b)	to the Karnataka Appellate Tribunal or the Karnataka Sales Tax Appellate Tribunal	Two rupees
(c)	to the High Court	Three rupees
(cc)	to the Karnataka Administrative Tribunal	Three rupees
(d)	to the Government	Three rupees

17.	Agreement writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908 --	
	(i) Where the value of the subject matter does not exceed Rs. 5,000.	Fifteen rupees
	(ii) In any other case	One hundred rupees
18.	Caveat.--	
(1)	when filed under the Indian Succession Act.--	
	(i) if the value of the property involved does not exceed two thousand rupees	Six rupees and twenty five paise
	(ii) if the value of the property involved exceeds two thousand rupees	Twelve rupees and fifty paise
(2)	in other cases	
(i)	if filed in the High Court	Ten rupees
(i-a)	If filed in the Karnataka Administrative Tribunal	Ten rupees
(ii)	if filed in other Courts	Five rupees.

Schedule II - - SCHEDULE II

SCHEDULE II

Article	Particulars	Proper fee
(1)	(2)	(3)
<u>1</u> [1]	Petition in a suit under the Mysore Converts' Marriage Dissolution Act, 1866 (Mysore Act XXI of 1866); or the Converts' Marriage Dissolution Act, 1866 (Central Act XXI of 1866); Petition under the Indian Divorce Act, 1869 (Central Act IV of 1869), other than a petition under Section 44 of that Act, and every memorandum of appeal under Section 55 of that Act; Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1939 (Central Act III of 1936), or counterclaim made under Section 37 of that Act- Petition, plaint or memorandum of appeal when presented to a Court under the Dissolution of Muslim Marriage Act, 1939 (Central Act VIII of 1939), the Mysore Dissolution of	<u>2</u> [One hundred rupees]]

Muslim Marriage Act, 1943 (Mysore Act XLIII of 1943); and the Dissolution of Muslim Marriage Act, 1939 (Central Act VIII of 1939), as in force in the ³ [Gulbarga Area];

Petition under Sections 22, 23, 24, 25 or 27 of the Special Marriage Act, 1954 (Central Act 43 of 1954) and memorandum of appeal under Section 39 of that Act;

Petition under Sections 9, 10, 11, 12 or 13 of the Hindu Marriage Act, 1955 (Central Act 25 of 1955) and memorandum of appeal under Section 28 of that Act.

If in a suit falling under any of the above paragraphs, there is a specific claim for damages, separate fee at the rates prescribed in Article 1 of Schedule I shall be charged on the amount of damages claimed.

2. Undertaking under Section 49 of the Indian Divorce Act,⁴ [Five rupees] 1869.
3. Memorandum of appeal ⁵ [from a decision or an award or order] inclusive of an order determining any question under Section 47 or Section 144 of the Code of Civil Procedure, 1908, and not otherwise provided for when presented.--
 - (i) to any Court other than the High Court or to any Executive⁶ [Four rupees] Officer.
 - (ii) to the ⁷ [Karnataka Appellate Tribunal] ⁸ [or the Co- ⁹ [Eight rupees].
operative Appellate Tribunal].
 - (iii) to the High Court --
 - (1) Where the order was passed by a subordinate Court or other authority-
 - (a) If the order relates to a suit or proceeding, the value ¹⁰ [Fifteen rupees] of which exceeds one thousand rupees.
 - (b) In any other case ¹¹ [Eight rupees]
 - (2) Where the appeal is under Section 45-B of the Banking Companies Act, 1949 One hundred rupees
 - (3) Where the appeal is under Section 411-A of the Code of Criminal Procedure, 1898. Five rupees
 - (iv) to the government in pursuance of a statutory right to appeal for which no Court-fee is leviable under any other enactment. ¹¹ [Ten rupees]
4. Memorandum of appeal under Section 39 of the Arbitration Act, 1940--
 - (i) in a case where the value or jurisdiction does not exceed Rs. 5,000: Fifteen rupees
 - ¹² [(i-a) in a case where the value or jurisdiction exceeds Rs. Fifty Rupees
5,000 but does not exceed Rs. 50,000
 - (ii) in any other case ¹³ [One hundred and fifty rupees]

5. Copy or translation of a judgment or order not being or having the force of a decree. One rupee
6. Copy or translation of a judgment or order of a Criminal Court. Fifty paise.
7. Copy of a decree or order having the force of a decree.--
- When such decree or order is made by any Court other than the High Court. One rupee
- When such decree or order is made by the High Court. Four rupees.
8. Copy of any document liable to stamp duty under any law in force relating to stamps when left by any party to a suit or proceeding in place of the original withdrawn.--
- (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 One rupee and twenty-five paise.
9. Copy of any revenue or judicial proceedings or order not otherwise provided for by this Act or copy of any account, statement, report, [14](#) [order] or the like taken out of any Court or [15](#) [Public Office.]
- For every three hundred and sixty words or fraction of three hundred and sixty words. Fifty paise
- [16](#) [10. Application or petition presented to any officer of the Excise or Prohibition 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 [17](#) [One rupee]
- (a)
- (b) Application or petition 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. [17](#) [One rupee]
- (c) Application or petition presented to any Municipal Corporation, Municipal Council, Sanitary Board, Notified Area Committee, Town Area Committee, the Commissioner, Executive Officer, Chief Officer, Secretary, President or Chairman 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. [17](#) [One rupee]
- (d) Application or petition presented to any officer of land revenue relating to the grant of land on darkhast. [17](#) [One rupee]
- (e) Application to a Deputy Commissioner for lease of land for agricultural or non-agricultural purposes. [18](#) [Two rupees]
- (f) Application to a Forest Officer by a forest contractor for extension of the period of lease.--

- (i) if the value of the subject matter of the lease is Rs. [19](#) [Twenty five rupees] 5,000 or less;
- (ii) if such value exceeds Rs. 5,000 for every Rs. 1,000 or part thereof in excess of Rs. 5,000. [20](#) [Five rupees]
- (g) Application for attestation of private documents intended to be used outside India [20](#) [Ten rupees]
- (h) Application for lapsed deposit presented after six months after the date on which the amount lapsed to the Government.--
- (i) When the amount of deposit does not exceed Rs. 50. One rupee
- (ii) When the amount of deposit exceeds Rs. 50 but does not exceed Rs.1,000. Two rupees
- (iii) When it exceeds Rs. 1,000 Four rupees
- (i) Application or petition presented to the government and not otherwise provided for;
- (i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law; Four rupees
- (ii) in other cases. Two rupees and fifty paise
- (j) Application or petition presented to the Karnataka Appellate Tribunal or Divisional Commissioner or Chief Executive Authority and not otherwise provided for.--
- (i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law; Four rupees
- (ii) in other cases: Two rupees and fifty paise
- (k) Application for permission for use of agricultural land for non-agricultural purposes. [21](#) [Ten rupees]
- (l) Application or petition not falling under clauses (i) or (j) and presented to a public officer or in a public office and not otherwise provided for--
- (i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law; [22](#) [Two Rupees]
- (ii) in other cases; [17](#) [One Rupee]
11. (a) Application or petition presented to any Civil Court other than a Principal Civil Court of original jurisdiction or to any Court or Small Causes or to a Deputy Commissioner or other Officers of revenue or Public Officer in relation to any suit or case in which the amount or value of the subject matter is less than fifty rupees. [23](#) [One Rupee]
- (b) Application or petition presented to any Court or to any [24](#) [Board, Statutory Authority or Public Officer] for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board [14](#) [Statutory Authority] or officer, or of any other document or record in such Court, Board [14](#) [Statutory

Authority] or office.

- (c) Application to any Court that records may be called 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. One rupee in addition to the fee leviable on the application.
- (d) Application or petition containing a complaint or charge of any offence other than an offence for which police officers may, under the Code of Criminal Procedure, 1898, arrest without warrant, and presented to any Criminal Court. One rupee
- (e) Application or petition to deposit in Court or in the office of the Deputy Commissioner ¹⁴ [or other Revenue Officer] revenue or rent. ²⁵ [One rupee]
- (f) Application or petition for determination by a Court of the amount of compensation to be paid by a landlord to his tenant. ²⁶ [One rupee]
- (g) Application or petition presented to a Court or to a Deputy Commissioner, or any Revenue Officer or to a Public Officer having jurisdiction equal or subordinate to a Deputy Commissioner, or to any Magistrate in his executive capacity and not otherwise provided for by this Act. ²⁶ [One rupee]
- ²⁷ [(h) Application for temporary injunction in relation to any suit or proceeding--
- (i) when presented to any Court. Ten Rupees
- (ii) when presented to any other authority. Five Rupees
- (ha) Application for arrest or attachment before judgment when presented to a Civil Court other than the High Court or a Revenue Court in relation to any suit or proceeding Five Rupees]
- (i) Application under Order XXI, Rule 58 of the Code of Civil Procedure, 1908, regarding claim to the attached property.--
- ²⁸ [(i) when filed in a Revenue Court Five rupees
- (ii) when filed in any other Court Ten rupees]
- (j) Application or petition under Section 47 and Order XXI, Rule 90 of the Code of Civil Procedure, 1908 when filed in any Court. ²² [Five rupees]
- ²⁹ [(ja) Application or petition under Order 17 Rules 1 and 2 of the Code of Civil procedure, 1908
- (i) when filed in the High Court Ten Rupees
- (ii) when filed in any other Court Five Rupees]
- (k) Application or petition under Sections 34, 72, 73, and 74 of the Indian Trusts Act, 1882. Five rupees
- (l)(i) Application for probate or letters of administration or for Twenty-five rupees

revocation thereof to have effect throughout India.

- (ii) Application for probate or letters of administration or for revocation thereof not falling under clause (i) or an application for a certificate under Part X of the Indian Succession Act, 1925, or Bombay Regulation VIII of 1927.--
- (1) if the amount or value of the estate does not exceed Rs. 2,000. [30](#) [Five rupees]
- [31](#) [(2) If the value exceeds Rs. 2,000 but does not exceed Rs. 10,000 [32](#) [Ten rupees]
- (3) If the amount or value exceeds ten thousand rupees. [33](#) [Twenty rupees]
- Provided that if a caveat is entered and the application is registered as a suit, one half the scale of fee prescribed in Article I of Schedule I on the market value of the estate less the fee already paid on the application shall be levied
- (m) Original petitions not otherwise provided for when filed in.--
- (i) any Court subordinate to the High Court. [22](#) [Two rupees]
- (ii) the High Court [19](#) [Twelve rupees]
- (n) Application to set aside an award under the Arbitration Act, 1940 --
- [31](#) [(1) if the value of the subject matter of the award does not exceed Rs. 5000 Twenty-five rupees
- (2) if such value exceeds Rs. 5,000 One hundred rupees]
- (o) Application under Section 14 or Section 20 of the Arbitration Act, 1940, for a direction for filing an award or for an order for filing an agreement and application for enforcing foreign awards when presented to--
- (1) The Court of the Munsiff, [34](#) [Fifty rupees]
- [35](#) [x x x]
- (2) any other Court [13](#) [Two hundred rupees]
- [36](#) [(p) Xxx xxx.]
- (q) Revision petition presented to the High Court under Section 115 of the Code of Civil Procedure, 1908, or under the provisions of any other Act, arising out of a suit or proceeding--
- (i) if the value of the suit or proceeding to which the order sought to be revised relates does not exceed Rs. 1,000. Five rupees
- [37](#) [(ii) if such value exceeds Rs. 1,000 but does not Fifteen Rupees

exceed Rs. 10,000

(iii) if the value exceeds Rs. 10,000	Twenty Rupees]
(r) Petition under Sections 391, 439 and 522 of the Companies Act, 1956, in connection with the winding up of a company.	one hundred rupees
(s) Petition of the High Court under Article 226 of the Constitution for a writ other than the writ of Habeas Corpus, or a petition under Article 227 of the Constitution.	38 [One hundred rupees]
39 [(sa) Appeal petition to the High Court from an original judgment, decree or order of a Single Judge of the High Court made in exercise of the powers under clause (1) of Article 226, Article 227 and Article 228 of the Constitution of India.	One hundred rupees]
(t) Application under Section 45 of the Specific Relief Act, 1877.	Ten rupees
(u) Application of petition presented to the to the High Court 40 [the Karnataka Administrative Tribunal] and not otherwise specifically provided for	Two rupees
(v) Election petition to a Civil Court or Judicial Officer questioning the election of a person in respect of.--	
(i) the office of 41 [Member of a Taluk Board or Panchayat.]	19 [Fifteen rupees]
(ii) the office of 42 [President or Vice-President of a Taluk Board or Chairman or Vice-Chairman of a Panchayat.]	43 [Twenty five rupees]
(iii) the member of a town 44 [x x x] Municipal Council:	45 [Fifty rupees]
(iv) the office of member 46 [of a Municipal Corporation in the State] or of member of a City Municipal Council 47 [x x x] 44 [x x x.]	11 [One hundred rupees]
(v) the office of Mayor or Deputy Mayor 48 [of a Municipal Corporation] or of Chairman of a Municipality.	Two hundred rupees
49 [x x x x.]	
12. Application for leave to sue as a pauper	Seventy-five paise
13. Application for leave to appeal as a pauper.--	
(a) when presented to a High Court	Two rupees and fifty paise
(b) when presented to any other Court	One rupee and twenty-five paise.
14. Bail bond or other instrument of obligation given in pursuance of an order made by a Court of Magistrate under any section of the Code of Criminal Procedure, 1898 or the Code of Civil Procedure, 1908 and not otherwise provided for by this Act.	One rupee and twenty-five paise.
15. Every copy of power-of-attorney when filed in any suit or	50 [Two Rupees]

proceeding.

16. Muktharnama or Vakalatnama or any paper signed by an advocate signifying or intimating that he is retained for a party.

When presented--

- | | | |
|---------------------------|---|----------------------------------|
| (a) | to any Court (other than a High Court 40 [or to the Karnataka Administrative Tribunal] or to the 7 [Karnataka Appellate Tribunal], Sales Tax Appellate Tribunal | One rupee |
| | 51 [x x x] or Deputy Commissioner or 52 [any statutory or other authority or any officer.] | One rupee |
| (b) | to the 7 [Karnataka Appellate Tribunal] or the Karnataka Sales Tax Appellate Tribunal | Two rupees |
| (c) | to the High Court | Three rupees |
| 53 [(cc) | to the Karnataka Administrative Tribunal | Three rupees] |
| (d) | to the Government | Three rupees |
| 17. | Agreement writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908 -- | |
| | (i) Where the value of the subject matter does not exceed Rs. 5,000. | Fifteen rupees |
| | (ii) In any other case | One hundred rupees |
| 54 [18. | Caveat.-- | |
| (1) | when filed under the Indian Succession Act.-- | |
| | (i) if the value of the property involved does not exceed two thousand rupees | six rupees and twenty five paise |
| | (ii) if the value of the property involved exceeds two thousand rupees | Twelve rupees and fifty paise |
| (2) | in other cases | |
| (i) | if filed in the High Court | Ten rupees |
| 55 [(i-a) | If filed in the Karnataka Administrative Tribunal | Ten rupees] |
| (ii) | if filed in other Courts | Five rupees.] |

1. Article 1 substituted by Act No. 24 of 1958, w.e.f. 25-12-1958

2. Substituted for the words "Thirty rupees" by Act No. 13 of 1982, w.e.f. 1-4-1982.

3. Adapted by the Karnataka Adaptations of Laws Order 1973

4. Substituted for the words "one rupee" by Act No. 13 of 1982, w.e.f. 1-4-1982.

5. Substituted for the words "from an order" by Act No. 11 of 1969, w.e.f. 22-5-1969.

6. Substituted for the words "one rupee" by Act No. 21 of 1979, w.e.f. 31-3-1979.
7. See Karnataka Act No. 10 of 1976.
8. Inserted by Act No. 27 of 1966 and shall be and shall be deemed to have come into force w.e.f. 1-10-1964.
9. Substituted for the words "Two rupees" by Act No. 21 of 1979, w.e.f. 31-3-1979.
10. Substituted for the words "Ten rupees" by Act No. 21 of 1979, w.e.f. 31-3-1979.
11. Substituted for the words "Five rupees" by Act No. 21 of 1979, w.e.f. 31-3-1979.
12. Clause (1-a) inserted by Act No. 13 of 1982, w.e.f. 1-4-1982.
13. Substituted for the words "One hundred rupees" by Act No. 13 of 1982, w.e.f. 1-4-1982.
14. Inserted by Act No. 10 of 1964, w.e.f. 5-3-1964.
15. Substituted for the words "Office of any Public Officer" by Act No. 10 of 1964, w.e.f. 5-3-1964.
16. Article 10 substituted by Act No. 80 of 1976, w.e.f. 7-12-1976.
17. Substituted for the words "fifty paise" by Act No. 13 of 1982, w.e.f. 1-4-1982.
18. Substituted for the words "One rupee and fifty paise" by Act No. 13 of 1982, w.e.f. 1-4-1982.
19. Substituted for the words "Ten rupees" by Act No. 13 of 1982, w.e.f. 1-4-1982.
20. Substituted for the words "Two rupees" by Act No. 13 of 1982, w.e.f. 1-4-1982.
21. Substituted for the words "Four rupees" by Act No. 13 of 1982, w.e.f. 1-4-1982.
22. Substituted for the words "One rupee" by Act No. 13 of 1982, w.e.f. 1-4-1982.
23. Substituted for the words "Twenty-five paise" by Act No. 21 of 1979, w.e.f. 31-3-1979.
24. Substituted for the words "Board or Executive Officer" by Act No. 10 of 1964, w.e.f. 5-3-1964.
25. Substituted for the words "Fifty paise" by Act No. 21 of 1979, w.e.f. 31-3-1979.
26. Substituted for the words "Seventy-five paise" by Act No. 21 of 1979, w.e.f. 31-3-1979.
27. Clauses (h) and (ha) substituted for clause (h) by Act No. 13 of 1982, w.e.f. 1-4-1982.
28. Items (i) and (ii) of clause (i) substituted by Act No. 13 of 1982, w.e.f. 1-4-1982.
29. Clause (ja) inserted by Act No. 13 of 1982, w.e.f. 1-4-1982.
30. Substituted for the words "two rupees and fifty paise" by Act No. 13 of 1982, w.e.f. 1-4-1982.
31. Items (2) and (3) of sub-clause (ii) of clause (1) substituted by Act No. 80 of 1976, w.e.f. 7-12-1976.
32. Substituted for the words "Six rupees and twenty-five paise" by Act No. 13 of 1982, w.e.f. 1-4-1982.
33. Substituted for the words "Twelve rupees and fifty paise" by Act No. 13 of 1982, w.e.f. 1-4-1982.
34. Substituted for the words "Fifteen rupees" by Act No. 13 of 1982, w.e.f. 1-4-1982.
35. The words "District Munsiff and Civil Judge, Junior Division" omitted by ALO 1973.
36. Clause (p) omitted by Act No. 10 of 1964, w.e.f. 5-3-1964.
37. Items (ii) and (iii) of clause (q) substituted for item (ii) by Act No. 13 of 1982, w.e.f. 1-4-1982.
38. Substituted for the words "Twenty-five rupees" by Act No. 3 of 1973, w.e.f. 25-1-1973.
39. Clause (sa) inserted by Act No. 12 of 1973.

40. Inserted by Act No. 5 of 1989, w.e.f. 9-2-1989.
 41. Substituted for the words "Member of Panchayat" by Act No. 10 of 1964, w.e.f. 5-3-1964.
 42. Substituted for the words "President of a Panchayat" by Act No. 10 of 1964, w.e.f. 5-3-1964.
 43. Substituted for the words "Fifteen rupees" by Act No. 21 of 1979, w.e.f. 31-3-1979.
 44. The words "or District" omitted by Act No. 10 of 1964, w.e.f. 5-3-1964.
 45. Substituted for the words "Twenty-five rupees" by Act No. 21 of 1979, w.e.f. 31-3-1979.
 46. Substituted for the words "or Alderman of the Council of the Corporation of Bangalore or of Hubli Dharwar" by Act No. 21 of 1979, w.e.f. 31-3-1979.
 47. The words "Municipal Borough" omitted by Act No. 21 of 1979, w.e.f. 31-3-1979.
 48. Substituted for the words "of the Corporation of Bangalore or of Hubli-Dharwar" by Act No. 21 of 1979, w.e.f. 31-3-1979.
 49. The words "or President of a District Board" omitted by Act No. 10 of 1964, w.e.f. 5-3-1964.
 50. Substituted for the words "Seventy-five paise" by Act No. 13 of 1982, w.e.f. 1-4-1982.
 51. The words "or to any Magistrate" omitted by Act No. 10 of 1964, w.e.f. 5-3-1964.
 52. Substituted for the words "other Executive Officer" by Act No. 10 of 1964, w.e.f. 5-3-1964.
 53. Clause (cc) inserted by Act No. 5 of 1989, w.e.f. 9-2-1989.
 54. Article 18 substituted by Act No. 13 of 1981 and shall be deemed to have come into force w.e.f. 17-1-1981.
 55. Item (1-a) inserted by Act No. 5 of 1989, w.e.f. 9-2-1989.
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Schedule III - - SCHEDULE III

SCHEDULE III

PART I

[See Section 52]

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

IN THE COURT OF

Reference: Probate of the will of the estate of (or administration) deceased.

1. I, (A.B.) 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 Form of Valuation all the estate of which the above named deceased died possessed or to which he was entitled at the time of his death, and which has come, or is 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 declare that the said estate exclusive only of the last- mentioned items, was on the date of the death of the said deceased under the value of ^{f1}is

4. I, (A.B.) further declare that what is stated in this Form of Valuation is true to the best of my information and belief.

(Signed).....AB.

1. This form to be used where the application is made after one year from the date of the death

SCHEDULE III

Part II

Amended Form of Valuation of Estate

[See Sections 58 and 60]

IN THE COURT OF

Reference: Probate of the will of. . . . (or Administration of the Estate of), Deceased.

1. I (A.B.)--am the executor (or one of the executors or one of the next of-kin as the case may be) of

2. Probate was (or letters of administration were) granted to me on....

3. It has now been discovered that the net value of the estate on which Court fee was paid was not correctly ascertained.

4. I have now truly set forth in Annexure-A to this amended form of Valuation all the estate of the deceased at the date of.--

his

the application for death

..... which has come or is likely to come to probate (or letters of administration).

my hands.

5. I further have now truly set forth in Annexure-B all the items which I am by law allowed to

deduct.

6. I further declare that the said estate, exclusive only of the last mentioned the death of the deceased was items, at the date of the death of the deceased was this application is under the value of

7. I (A.B).-- further declare that what is stated in this amended Form of Valuation is true to the best of my information and belief.

(Signed) A.B.....

ANNEXURE-A

Amended Valuation of the estate of deceased

Valuation on which Court fee was paid.	Increase.	Decrease.	Valuation as now amended.
<hr/>			
Total			

Deduct items shown in Annexure-B in the manner provided in sub-section (2) of Section 53.

Amended net value of estate

ANNEXURE-B

Amended Schedule of debts, etc.

Valuation on which Court fee was paid.	Increase.	Decrease.	Valuation as now amended
<hr/>			
Total			

Annexure A - - Amended Valuation of the estate of deceased

ANNEXURE-A

Valuation of the movable and immovable property of deceased.-- Rs. P.

Cash in hand and at the bank, 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 on the date of the death of the deceased or on the date of the application, as the case may be)

Immovable property, consisting of.....

(State description and market value on the date of the death of the deceased or on the date of the application, as the case may be)

Leasehold property

(If the deceased held any leases for years determinable, state the period of the lease and estimated amount of rent inserting separately arrears due on the date of death or on the date of the application, as the case may be).

Property in public companies.

(State the particulars and the value calculated at the price on the date of the death or on the date of the application, as the case may be)

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

(State the amount of the whole on the date of the death or on the date of the application, as the case may be)

Debts

(Other than bad debts)

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 items shown in Annexure-B in the manner provided in sub-section (2) of Section 53.

Net value of the Estate



Annexure B - - Amended Schedule of debts, etc.

ANNEXURE-B

SCHEDULE OF DEBTS etc.

	Rs.	P.
Amount of debts due and owing from the deceased, legally payable out of the estate	_____	_____
Amount of expenses connected with funeral rites and ceremonies	_____	_____
Amount of mortgage encumbrances	_____	_____
Property held in trust not beneficially or with general power to confer a beneficial interest	_____	_____
Other property not subject to duty	_____	_____
Total	_____	_____

Main - KARNATAKA COURT-FEES AND SUITS VALUATION ACT, 1958

Preamble 1 - KARNATAKA COURT-FEES AND SUITS VALUATION ACT, 1958

Chapter I

Section 1 - Short title, extent and commencement

Section 2 - Application of Act

Section 3 - Definitions

Chapter II

Section 4 - Levy of fee in courts and public offices

Section 5 - Fees on documents inadvertently received

Section 6 - Multifarious suits

Section 7 - Determination of market value

Section 8 - Set off or counter claim

Section 9 - Documents falling under two or more descriptions

Chapter III

Section 10 - Statement of particulars of subject-matter of suit and plaintiff's valuation thereof

Section 11 - Decision as to proper fee in courts

Section 12 - Additional fee on issues framed

Section 13 - Relinquishment of portion of claim

Section 14 - Fee payable on written statements

Section 15 - Fee payable on appeals, etc.

Section 16 - Fee payable on petitions, applications, etc.

Section 17 - Court-fee examiners

Section 18 - Inquiry and commission

Section 19 - Notice to the State Government

Chapter IV

Section 20 - Fee how reckoned

Section 21 - Suits for money

Section 22 - Suits for maintenance and annuities

Section 23 - Suits for moveable property

Section 24 - Suits for declaration

Section 25 - Adoption suits
Section 26 - Suits for injunction
Section 27 - Suits relating to trust property
Section 28 - Suits for possession under the Specific Relief Act, 1877
Section 29 - Suits for possession not otherwise provided for
Section 30 - Suits relating to easements
Section 31 - Pre-emption suits
Section 32 - Suits relating to mortgages
Section 33 - Suits for accounts
Section 34 - Suits for dissolution of partnership
Section 35 - Partition suits
Section 36 - Suits for joint possession
Section 37 - Administration suits
Section 38 - Suits for cancellation of decrees, etc.
Section 39 - Suits to set aside attachment, etc.
Section 40 - Suits for specific performance
Section 41 - Suits between landlord and tenant
Section 42 - Suits for mesne profits
Section 43 - Suits to alter or cancel entry in revenue registers and certain suits in revenue courts
Section 44 - Suits relating to public matters
Section 45 - Interpleader suits
Section 46 - Third, party proceedings
Section 47 - Suits not otherwise provided for
Section 48 - Fee on memorandum of appeal against decision, award or order relating to compensation
Section 49 - Appeals

Chapter V

Section 50 - Suits not otherwise provided for
Section 51 - Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes

Chapter VI

Section 52 - Application for probate or letters of administration
Section 53 - Levy of fee
Section 54 - Grant of probate
Section 55 - Relief in cases of several grants
Section 56 - Inquiry by the Deputy Commissioner
Section 57 - Application to court and power of court
Section 58 - Provision for cases where too low a fee has been paid
Section 59 - Administrator to give proper security [xxxxx]
Section 60 - Relief when too high a fee has been paid
Section 61 - Recovery of penalties, etc.
Section 62 - Powers of Chief Controlling Revenue Authority

Chapter VII

Section 63 - Refund in case of delay in presentation of plaint, etc.
Section 64 - Refund in cases of remand
Section 65 - Refund where Court reverses or modifies former decision on ground of mistake
Section 66 - Refund on settlement before hearing
Section 67 - Refund of fee paid by mistake or inadvertence
Section 68 - Instruments of partition
Section 69 - Exemption of certain documents
Section 70 - Power to reduce or remit fees

Chapter VIII

Section 71 - Collection of fees

Section 72 - Stamps to be impressed or adhesive
Section 73 - Amended document
Section 74 - Cancellation of Stamp
Section 75 - Deduction to be made
Section 76 - Penalty
Section 76A - [76-A. Legal Benefit Fund
Section 77 - Power of High Court to make rules
Section 78 - Power of State Government to make rules
Section 79 - Repeal and savings
Schedule I - SCHEDULE I
Schedule II - SCHEDULE II
Schedule III - SCHEDULE III
Annexure A - Amended Valuation of the estate of deceased
Annexure B - Amended Schedule of debts, etc.

**KARNATAKA ACT NO. 10 OF 2003
KARNATAKA COURT FEES AND SUITS VALUATION
(AMENDMENT) ACT, 2003**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 43
3. Amendment of section 58
4. Amendment of section 59
5. Amendment of section 60
6. Amendment of section 71
7. Omission of section 72
8. Substitution of section 73
9. Omission of sections 74 to 76
10. Amendment of section 78
11. Transitional provision
12. Power to remove difficulties

STATEMENT OF OBJECTS AND REASONS

In order to give effect to the proposals made in the Budget Speech for the year 2002-2003, it is considered necessary to amend the Karnataka Court Fees and Suits Valuation Act, 1958, to dispense with the use of stamps and stamp papers and to start using impressed stamps.

Hence the Bill.

[L.A. BILL No. 10 of 2003]

(Entry 3 of List-II of the Seventh Schedule to the Constitution of India)

KARNATAKA ACT NO. 10 OF 2003

(First published in the Karnataka Gazette Extra-ordinary on the thirty first day of March, 2003)

**KARNATAKA COURT FEES AND SUITS VALUATION
(AMENDMENT) ACT, 2003**

(Received the assent of the Governor on the twenty ninth day of March, 2003)

An Act further to amend the Karnataka Court Fees and Suits Valuation Act, 1958.

Whereas it is expedient further to amend the Karnataka Court Fees and Suits Valuation Act, 1958 (Karnataka Act 16 of 1958) for the purposes hereinafter appearing:

Be it enacted by the Karnataka State Legislature in the Fifty-fourth year of the Republic of India as follows:

1. Short title and commencement.- (1) This Act may be called the Karnataka Court Fees and Suits Valuation (Amendment) Act, 2003.

(2) It shall come into force with effect from the First day of April, 2003.

2. Amendment of section 43.- In section 43 of the Karnataka Court Fees and Suits Valuation Act, 1958 (Karnataka Act 16 of 1958) (hereinafter referred to as the principal Act) sub-sections (3) and (4) shall be omitted.

3. Amendment of section 58.- In section 58 of the principal Act,-

(1) in sub-section (1) for the words "cause the probate or letters to be duly stamped" the words "cause the deficit fee to be recovered" shall be substituted;

(Published in the Karnataka Gazette Part IV-A Extra Ordinary No. 335 dated 31-3-2003 in Notification No. ಸಂವಿಶ್ವಕಾನು 16 ಶಾಸನ 2003)

(2) in sub-section (3) for the words “cause the probate or letters to be duly stamped on payment of the deficit fee “ the words “ cause the deficit fee to be recovered” shall be substituted;

(3) in sub-section (4) for the words “cause the probate or letters to be properly stamped on payment of the deficit fee “ the words “ cause the deficit fee to be recovered” shall be substituted.

4. Amendment of section 59.- In section 59 of the principal Act,-

(1) in the heading, the words "before letters stamped" shall be omitted;

(2) for the words “ shall not cause the same to be duly stamped in the manner aforesaid until the administrator has given such security to the Court” the words “ shall require the administrator to give such security to the court” shall be substituted.

5. Amendment of section 60.- In section 60 of the principal Act, in sub-section (2), for the words starting with “amended valuation is correct” and ending with “should have been paid” the words “amended valuation is correct, he shall refund the difference between the fee originally paid and that which should have been paid and endorse a certificate accordingly on the probate or letters of administration” shall be substituted.

6. Substitution of section 71.- For section 71 of the principal Act, the following section shall be substituted, namely:-

“71. Collection of fees.- All fees chargeable under this Act may be paid,-

(i) in cash where the amount of fees is not more than rupees five hundred;

(ii) in the Government Treasury or through a Demand Draft in case the amount of fee is more than rupees five hundred:

7. Omission of section 72.- Section 72 of the principal Act shall be omitted.

8. Substitution of section 73.- For section 73 of the principal Act, the following section shall be substituted, namely:-

“73. Amended document.- Where any document in respect of which fee is chargeable under this Act 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 fee.”

9. Omission of sections 74 to 76,- Section 74, 75 and 76 of the principal Act shall be omitted.

10. Amendment of section 78.- In sections 78 of the principal Act, in sub-section (2), clauses (e) to (j) shall be omitted.

11. Transitional provision.- Notwithstanding anything contained in the principal Act as amended by this Act all the provisions of the principal Act as in force immediately before the date of commencement of this Act shall continue to apply to the stamps used for payment of fees under the principal Act or in the process of use or to any proceeding pending on such date or may be commenced after such date in respect of such stamp as if the provisions of the principal Act as in force before such date are in force.

12. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of the Karnataka Court Fees and Suit Valuation (Amendment) Act, 2003, the State Government may, by notification make such provisions as appear to it to be necessary or expedient for removing the difficulty.

By Order and in the name of the Governor of Karnataka

M.R. Hegde

Secretary to Government,
Department of Parliamentary Affairs and Legislation.