

ASSAM COURT FEES (AMENDMENT) ACT, 1936

ASSAM ACT XIV OF 1936. THE ASSAM COURT-FEES (AMENDMENT) ACT, 1936. (Published in the Assam Gazette Of the 2nd December 1936.) An Act to amend the Court-fees Act, 1870. reference to the scale of court-fees in A88a?N. WHEREAS it is necessary to revise the scale of court-fees for Assam, by amendment of the Court-fees Act, 1870, in its application to Assam, in the manner hereinafter appearing ; And whereas the previous sanction of the Governor General has been obtained, under order Geo. O. c. tion SO-A, sub-section of the Government of India Act, to the passing of this Act ; It is hereby enacted as follows:— 1.(1) This Act may be called the Assam Court- Fees (Amendment) Act, 1936. (2) It extends to the whole of Assam. (3) It shall come into force on the first day of January 1937 and shall remain in force for a period of three years. 4. In Article 8 of the first schedule to the Court-fees Act, 1870, hereinafter referred to as the said Act, "for the figures in the first column the figures 1899 shall be substituted" 5. In section 18 of the said Act, for the words "of a fee of eight annas the words a fee of one hundred rupees shall be substituted." 6.

4. In item viii in section 19 of the said Act, after the word 'one thousand rupees' the words 'two thousand rupees' shall be substituted. 5. After section 19G of the said Act, the following new section shall be inserted, namely:— "19GG. Notwithstanding anything contained in this or any other Act, Probate or no probate or intestate estate, administration heretofore in force or hereafter granted by any court within the limits of the province of Assam shall confer upon the grantee any right title to immovable property in Assam of which he did not obtain possession prior to the 1st January 1937 unless he holds a certificate from the Chief Controlling Revenue Authority of Assam that he has paid the court-fee due on such probate or letters of administration in respect of the full value of such property." 6. For Article 1 in the first schedule to the said Schedule I, Act the following shall be substituted, namely:— "1. In a suit, When the amount or value of the subject-matter in dispute does not or counter-claim exceeds seventy-five rupees, or memorandum for every five rupees or of appeal (not part thereof of such other matter provided the amount or value, for in this Act) of cross-objection presented to and or when such amount or value of any Civil Revenue Court value exceeds seventy-five rupees, for every hundred rupees or part thereof, in excess of seventy-five rupees, up to one hundred rupees, and when such amount, or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one hundred and fifty rupees, when such amount or value exceeds one hundred and fifty rupees, for every ten rupees or part thereof up to one thousand rupees, and when such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to ten thousand rupees, and when such amount or value exceeds ten thousand rupees, for every five thousand rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees, and when such amount or value exceeds twenty thousand rupees, for every five thousand rupees, or part thereof, in excess of twenty thousand rupees, up to fifty thousand rupees, and when such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees : Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be ten thousand rupees." 7. In item viii in section 19 of the said Act, after the word 'one thousand rupees' the words 'two thousand rupees' shall be substituted.

7. In the third column in Article 6 in the same Schedule I.— (a) for the words "Four annas," opposite clause (a) in the second column, the words "Six annas" shall be substituted ; (b) For the words "Eight annas" opposite the first item in clause (b) in the second Column, the words 'Twelve annas' shall be substituted, and for the word 'One rupee' opposite the second item in that clause, the word 'Two rupees' shall be substituted. 8. (1) For the entries above inserted in the second column and for the entries in the third column, in Article 11 in the same schedule to the said Act, the following shall be substituted, namely : 'C When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two thousand rupees, on such amount or value up to ten thousand rupees, and when such amount or value exceeds ten thousand rupees, on the portion of such

amount or value which is in excess of ten thousand rupees, up to fifty thousand rupees, and when such amount or value exceeds fifty thousand rupees, on the portion of such amount or value which is in excess of fifty thousand rupees, up to a lakh of rupees, and when such amount or value exceeds a lakh of rupees on the portion of such amount or value which is in excess of 8 lakh rupees up to two lakhs and fifty thousand rupees, when such amount or value exceeds two lakhs and fifty thousand rupees, on the portion of such amount or value which is in excess of two lakhs and fifty thousand rupees up to three lakhs of rupees, and Three per centum Four per centum. Five per centum. Five and a half per centum. 5 when such amount or value exceeds three lakhs of rupees, on the portion of such amount, or value which is in excess of three lakhs of rupees up to four lakhs of rupees, when such amount or value exceeds four lakhs of rupees, on the portion of such amount or value which is in excess of four lakhs of rupees up to five lakhs of rupees, and when such amount or value exceeds five lakhs of rupees, on the portion of such amount or value which is in excess of five lakhs of rupees. Six Six per centum. and a half per centum. Seven per centum." (2) In the proviso for the words and figures "the Succession Certificate Act, 1889" the words and figures "the Indian Succession Act, 1925" shall be substituted. g. For Article 12 of the first schedule to the Act— (1) For the following article shall be substituted, namely 12. Certificate— When the amount or value of any debt or security specified in the certificate under section 374 of the Act exceeds one thousand rupees, first ten thousand rupees, three per centum on the next forty thousand rupees, four per centum on the next fifty thousand rupees, five per centum on the next one lakh and fifty thousand rupees, five and half per centum on the next fifty thousand rupees, six per centum on the next one lakh of rupees, and seven per centum on the next one lakh of rupees, and When the aggregate amount or value of any debts or securities specified in the certificate and of any debts or securities to which the certificate has been extended under section 376 of the Act exceeds one thousand rupees. 12. Certificate under the Indian Succession Act, seven per centum on the remainder of such amount or value. In respect of such portion of the aggregate amount or value as consists of the amount or value of debts or securities so specified, the fee hereinbefore provided in that behalf in this article and three per centum on each portion of the first ten thousand rupees, four and half per centum on such portion of the next forty thousand rupees, five per centum on such portion of the next fifty thousand rupees, seven and half per centum on such portion of the next one lakh and fifty thousand rupees, eight and a quarter per centum on such portion of the next fifty thousand rupees, nine per centum on such portion of the next one lakh of rupees, nine and three-quarters per centum on such portion of the next one lakh of rupees, and ten and a half per centum on such portion of the remainder of such aggregate amount or value as of the consists of amount or value of debts or securities to which the certificate has been extended. (2) The amount of debt is its amount, including interest on the 7 on which the inclusion of the debt in the certificate is applied for so far such amount, be ascertained, (2) Whether or not any power "with respect to the certificate" conferred in the certificate has been conferred under the Act and where such a power has been conferred, whether the power is for the receiving of Interest or dividend on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value be ascertained." amendment of 1936. For the table of rates of ad valorem fees table of leviable on the institution of suits, at the end of the same schedule to the said Act, the table set forth in the Schedule to this Act shall be substituted

11. In Article 1 in the second schedule to the Amendment of the said Act—Article (a) in clause (a) after the words Municipal Commissioner " in the third entry in the second column the words or member of a Local Board shall be inserted ; (b) (i) for the words One anna in the clause (a) in the second column, the words shall be substituted Two annas ; (ii) for the words Eight annas opposite clause (b) in the second column, the following shall be substituted , namely " In the case of a complaint or charge of an offence presented to a criminal court one rupee, and in other cases twelve annas ; and (iii) for the words One rupee opposite clause (c) in the second column, the words One rupee eight annas shall be substituted. (2) In the third in the schedule 11. of the schedule to the said Act,— (1) for the words Eight annas," opposite clause (a) in the second column, the words One rupee" shall be substituted ; and (2) for the words One rupee," opposite clause (b) in the second column, the words One rupee eight annas" shall be substituted. Amendment of 1936. For Article 11 in the schedule to the Schedule IT, Article 11. Amendment of Article 12. Amendment Schedule IT, Article

17. Amendment Schedule 11, Article 18. said the following shall be substituted, namely :— "11. Memorandum (a) (i) to any Revenue Eight of appeal when the Court or Executive Offer anna. appeal is not from a other than the High Court decree or an order or Chief Contr 0 11 i n g having the force of a Revenue or Executive decree and ig pregent- Authority, (ii) to •ny Civil Court One other than L High Court, rupee. (b) to 8 Chief Control- Two ling Exec u t i e or rupees. Revenue Authority. of 14. Above the worde "Five rupees!" where they occur in the third column, opposite Articles 12 and 13, in the same schedule to the said Act, the words "Ten rupees" shall be inserted opposite Article 12, and the bracket between Articles 12 and 13 in the second column shall be omitted. 15. (1) The words "Ten rupees" in the third column opposite Article 17 in the game schedule to the tsald Act and the bracket opposite that article in the second column in the same schedule Shall be omitted. (2) In the third column in the gaid article,— (a) opposite entries (ii), (iv) and (vi) the words "Fifteen rupees" shall be inserted; and (b) opposite entry (Gi) and (v) the words "Twenty rupees" shall be inserted. ot 16. In Article 18 of lbe second schedule to the said Act, for the words and figures "section 326 of the Code of Civil Procedure" the words and figures "paragraph 17 of the second schedule to the Code of Civil Procedure, 1908" shall be substituted

17. Nothing in this Act shall apply to any Exemption Of probate,. letter, probate, letters of administration or certificate in respect of which the fee payable under the law for ot •dmlni•tra• tlo• nd e•rti• the time being in force bag been paid prior to the ae•t.. commencement of this Act but which have noc issued.

TILE SCHEDULE. TABLE OF RATES OF FEES LEVIABLE AN T H r, INSTITUTION OF SUITS. [SEE SECTION 10 OF THE Assail COURT-FEES (AMENDMENT) ACT, 1936.] When the amount or value of the gubject-matter exceeds —

118.	10	15	20	25	30	35	40	45	55	60	65	70	80	85	90	100
110	120	130	140	150	160	170	180	190	200	210	220	230	240	But does not exceed	15	20
25	30	45	55	60	65	70	75	so	100	110	120	130	140	150	160	170
180	190	200	210	220	230	240	250	Proper fee.	R.s.	0	5	6	7	9	11	18
19	20	21	22	24	27	28	a,	12	10	10	10	10	12	O	10	4
4	8	10	12	When the amount or "loe of the snbjcot•mattev exceeds —	250	260	270	280	290	300	310	320	330	340	350	360
370	380	390	400	110	420	430	450	460	470	480	491)	500	510	520	580	540
550	560	570	580	590	600	610	620	630	640	650	660	10	(THE SCHEDULE.) But does not exceed	260	270	290
300	310	320	330	350	360	370	380	390	410	420	440	450	460	470	480	490
500	510	520	530	540	550	560	570	580	590	600	610	620	680	640	650	860
670	Proper fee.	29	30	31	32	33	.36	37	.39	41	42	45	46	48	49	50
51	52	55	56	57	58	59	60	61	68	69	70	72	73	74	75	a. 4 c,
8	10	12	6	10	12	14,	2	6	8	10	12	2	4	6	8	10
12	2	10	12	14	2	4	6	When the amount or value of the subject-matter exceeds—	670	t;so	690	700	710	720	730	740
750	760	770	780	790	800	SIC,	820	830	840	850	870	880	890	900	910	920
930	940	950	960	970	980	990	1,000	1.100	11200	1	400	1,500	1,600	1,700	1,800	11
(THE SCHEDULE.)	77	10	78	12	79	14	86	IO	87	12	88	14	97	14	10	'106
14	But does not, exceed	680	\$90	700	710	720	730	740	750	760	770	780	790	800	810	820
830	850	860	870	880	890	900	910	930	940	950	960	970	980	990	1,000	1,100
1,200	1,300	1,400	1,500	1,600	1,700	1,800	1,900	Proper fee.	76	8	0	2	82	6	8	85
90	2	91	6	93	94	10	95	12	96	0	99	100	101	6	102	103
105	12	0	108	109	no	4	111	6	112	120	127	135	0	142	150	157
s	165	180	When the amount or value Of the subject-mailer exceed Rs.	1,900	2,000	2,100	2,200	2,300	2,400	2,500	2,600	2,700	2,800	2,900	3,000	3,100
3,200	3,300	3,400	3,500	3,600	3,700	3,800	3,900	4,100	4,200	4', \$	00	4,500	4,600	4,700	4,800	4,900
5,000	5,100	5,200	5,300	5,400	5,500	5,600	5,700	5,800	12	(THE SCHEDULE.) But does not cxeceed—	R.s.	2,000	2,100	2,200	2,300	2,400
2,500	2,600	2,700	2,800	2,900	3,000	3,100	3,200	3,300	3,400	3,500	3,600	3,700	3,800	g,900	4,000	4,100
4,200	4,300	.4,400	4,500	4,600	4,700	4,800	4,900	5,000	5,100	5,200	5,300	5,400	5,500	5,600	5,700	5,800
5,900	Proper fee.	R.s.	187	195	202	210	217	225	232	240	247	255	262	270	277</	

30,000 31,000 32,000 33,000 34,000 35,000 36,000 37,000 38,000 39,000 40,000 41,000 42,000 43,000
44,000 45,000 46,000 47,000 48,000 49,000 50,000 55,000 60,000 65,000 70,000 75,000 14 (THE
SCHEDULE.) But does not exceed— Rs. 17,500 18,000 18,500 19,000 19,500 20,000 21,000 22,000
23,000 24,000 25,000 26,000 27,000 28,000 29,000 30,000 31,000 32,000 33,000 34,000 35,000 36,000
37,000 38,000 39,000 40,000 41,000 42,000 43,000 44,000 45,000 46,000 47,000 48,000 49,000 50,000
55,000 60,000 65,000 70,000 75,000 80,000 Proper fee. 1,087 1,110 1,182 1,155 1,177 1,200 1,230 1,260
1,290 1,320 1,350 1,380 1,410 1,470 1,500 1,530 1,560 1,590 1,620 1,650 1,680 1,710 1,740 1,770 1,800
1,830 1,860 1,890 1,920 1,950 1,980 2,010 2,040 2,070 2,100 2,137 2,175 2,212 2,250 2,287 2,325 8 8 0
0 0 0 0 0 0 0 0 8 8 8 When the amount or value of the subject-matter Rs. 80,000 85,000 90,000
95,000 1,05,000 1,50,000 1b (THE SCHEDULE.) But does not Rs. 85,000 90,000 95,000 1,20,000 000
Proper fee Rs. 2,362 2,400 2,487 2,475 2,512 2,550 2,587 2,625 2,662 2,700 2,737 2,775 2,812 2,850
2,887 2,925 2,962 3,000 3,087 3,075 8,112 8,150 3,187 3,225 3,262 8 8 8 8 8 0 8 8 8 8 8 and the fee
increases at the rate of thirty-eight paise for every five thousand rupees, or part thereof, up to
a maximum fee of ten thousand rupees, for example— Rs. 5,00,000 9,00,000 10,000 4,012
4,762 5,512 6,262 7,012 7,762 8,512 9,262 10,000 8 8 8 8 s 8 A. G. P. (Ing.)

