

COURT FEES (ASSAM AMENDMENT) ACT, 1972

ASSAM ACT XXVIII OF 1972 THE COURT FEES (ASSAM AMENDMENT) ACT, 1972 (Received the assent of the Governor on the 8th December 1972) and published in the Assam Gazette, Extraordinary, dated the 13th December 1972] An Act further to amend the Court Fees Act, 1870 in its application to Assam

Preamble. Whereas it is expedient further to amend the Act VII of 1870, hereinafter called the principal Act, in its application to Assam, in the manner hereinafter appearing. It is hereby enacted in the Twenty-third Year of the Republic of India as follows

Short title, extent 1. (1) This Act may be called the Court and Commence— Fees (Assam Amendment) Act, 1972. 97 (2) It extends to the whole of Assam. (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint

Amendment Of 2. In Schedule I to the principal Act,— Schedule I of Act VII of 1870. (1) for Article the following shall be substituted) namely Number (1) (2) "1. Plaint, written When the amount or statement, pleaded value of the subject matter being a set-off or in dispute does not exceed counter-claim, or memorandum of one hundred rupees, for appeal (not otherwise five rupees, or, part wise provided for thereof of amount or in this Act) or, of value ; cross-objection presented to any Civil Revenue Court except those mentioned in section 3. 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 ; and 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 seven thousand five hundred rupees ; and When such amount or value exceeds seven thousand five hundred rupees, Proper fee (3) Fifty rupees and ninety-five paise. One rupee and forty paise. Eight rupees and twenty-five paise. Sixteen rupees and fifty paise, Number (1) 78 (2) for every two hundred and fifty rupees, or part thereof, in excess of seven thousand five hundred rupees up to ten thousand rupees ; and When such amount or value exceeds ten thousand rupees, for every five hundred 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 one 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 maximum fee leviable on a plaint or memorandum of appeal shall not exceed eleven thousand rupees (2) for articles 6, 7, 8 and 9 the following shall be substituted, namely "6. Copy or transcription of a judgement or order of a judge or order not Civil Court other than being, or having the force of a decree of a High Court, or by the Presiding Officer of any court. Proper fee (3) Twenty-four rupees and seventy-five paise. Thirty rupees. Forty-one rupees and twenty-five paise. Number (1) 79 (2) 5 decree. Revenue Court or Office or by any other Judicial or Executive Authority: (a) If the amount or value of the subject matter is fifty rupees or less than fifty rupees. (b) If such amount or value exceeds fifty rupees. (c) When such judgement or order is passed by a High Court

7. Copy of a decree or order when such decree or order is made by any Civil Court or by the force of a decree of a High Court, or by any Revenue Court—(a) If the amount or value of the subject matter of the suit or proceeding in place of the original withdrawn. (b) (c) (a) (b) value of the subject matter of the suit wherein such decree or order is made is fifty or less than fifty rupees. If such amount or value exceeds fifty rupees. When such decree or order is made by High Court. When the Stamp-duty chargeable on the original does not exceed one rupee. In any other case Proper fee (3) One rupee and ten paise. Two rupees and twenty paise. Four rupees and forty paise. Two rupees and twenty paise. Three rupees and thirty paise. Eight rupees and twenty-five paise. The amount Act 11 of 1899. of the duty chargeable on the original. One rupee and twenty paise," Number (1) 9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or office or from the office of any Chief Magistrate or Officer with the executive administration of Division. (3) the table of rates of suits at the end Table of Rates of When the amount or value of the subject matter exceeds (1) Rs. 5 10 15 20 25 30 35 40 45 55 60 65 70 75 80 85 90 80 (2) For every three hundred sixty words or fraction of three hundred and sixty words. Proper fee (3)

One rupee and twenty paise. rates of Ad valorem fees leviable on the institution shall be substituted by the following: THE SCHEDULE Ad valorem Fees Leviable on the Institution. of Suits But does not exceed (2) 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 Proper fee (3) Rs. P. •55 I•IO 2•20 2•75 3•30 3•85 4•40 4•95 5•50 6•05 6•60 7•15 7•70 8•25 8•80 9•35 10•45 When the amount or value of the subject matter exceeds (1) Rs. 95 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400 410 420 430 440 450 460 470 480 490 500 520 530 540 550 560 But does not exceed (2) Rs. 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400 410 420 430 440 450 460 470 480 490 500 510 520 530 540 550 560 570 proper fee (3) I 1•00 14•8S 16•80 18•70 20•55 21 •95 23•30 24•60 25•90 27•25 28•55 29•90 31 •20 32•50 33•85 35•15 36•50 37•80 39•15 40•45 41 •75 43•10 44•40 45•75 47•05 48•35 49. -o 51 •00 52•35 53•65 54•95 56•30 57•60 58•95 60 25 61 •55 62•90 64•20 65•55 66•85 68•15 69•50 70•80 72•15 73•45 74•75 76•10 When the amount or value of the subject matter exceeds (1) Rs. 570 580 590 600 610 620 630 640 650 660 670 680 690 700 710 720 730 740 760 770 780 790 800 810 820 830 840 850 860 870 880 890 900 910 920 930 940 950 But does not exceed (2) 580 590 600 610 620 630 640 650 660 670 680 690 700 710 720 730 740 750 760 770 780 790 800 810 820 830 840 850 860 870 880 890 900 910 920 930 940 950 Proper fee (3) 77•40 78•75 80•05 81 •35 82•70 83•35 84•65 85•95 87•30 88•60 90•00 91 •95 92•25 93•55 94•85 95•90 97 •20 98•55 99•85 101•15 102•50 103•80 105•15 106•45 107•75 109•10 110•40 111•75 113•05 114•35 115•70 117•00 118•35 119•65 120•95 122•30 123•60 124•95 126•25 Number (1) 5. Plaintiff or memorandum of appeal to a suit to establish or disprove a right of occupancy

6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908 and not otherwise provided for by this Act

7. Undertaking under section 49 of the Indian Divorce Act, 1869. 8 9 10. Mukhtarnama or Vakalatnama. 83 (2) Proper fee (3) Act V of 1898. Act V of 1808. One rupee and ten paise. Act IV of 1809. When presented for the conduct of any one case— (a) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other Executive Officer except such as are mentioned in clauses (b) and (c) of this Number ; (b) to a Commissioner of Revenue, Circuit or Customs or to any officer charged with the Executive Administration of a Division, not being the Chief Revenue or Executive Authority ; One rupee and ten paise. Two rupees and seventy-five paise. Act IV of 1939. Number (1) 11. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented. (2) (c) to a High Court, Chief Commissioner, Board of Revenue, or other Chief Controlling Revenue or Executive Authority, or an appellate Authority prescribed under the Motor Vehicles Act, 1939 or to an Appellate Authority prescribed under the Assam Sales Tax Act, 1947. (a) to any Civil Court other than a High Court, or to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority except an authority specified in clause (b) ; (b) to an Excise Appellate Authority under Rule 340 of the Assam Excise Rules ; (c) to a High Court or Chief Commissioner or other Chief Controlling Executive or Revenue Authority except an Authority prescribed in clause (d) To an Excise Appellate Authority under Rule 341 of the same Excise Rule : (e) to a High Court in miscellaneous revenue matters except (f) below or to an Appellate Authority prescribed under the Motor Vehicles Act, 1939; and Proper fee (3) Five rupees fifty and paise. Act IV of 1939, Assam Act XVII of 1947. Three rupees and thirty paise. Sixteen rupees and fifty paise. Eleven rupees. Fifty five rupees. Sixteen rupees and fifty paise. Number (1) 12. Caveat..

13. Application under Act No.10 of 1859, section 26 or Bengal Act No.6 (2) (f) to a High Court in appeal and revision matters arising out of settlement of fishery— (i) When the bid money is below ten thousand rupees : (ii) When the bid money is above ten thousand rupees but below twenty thousand rupees : (iii) When the bid money is above twenty thousand rupees. Proper (3) Sixteen rupees and fifty paise. Twenty-seven rupees and fifty paise. Thirty-three rupees. Eleven rupees and fifty paise. Five rupees and fifty paise. Five rupees and fifty paise of 1962, section 9, or Bengal Act No.8 of 1869 section 37

14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866. 17. Plaintiff or memorandum of appeal in each of the following suits (i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court ; Sixteen rupees (ii)

to alter or cancel i and fifty paise, any entry in a register of the names of proprietors revenue-paying I estates ; Number (1) 96 (2) (iii) to obtain a declara- tion decree where no consequential relief is prayed • iv) to set aside an award; (v) to set aside an adop- tion • (vi) evËry other suit where it is not possible to estimate at a money- value the subject- matter in disputes and which is not other-wise provided for by this Act. 18v Application YVhen presented under section 14 or Munsiff's Court. section 20, of the Indian Arbitration Act, 1940, for a direction for filing When presented an award or for an Of her Court. order for filing an agreement

19. Agreement in writing stating a question for .the opinion of the Court under the code of Civil Pro- cedure, 1908

20. Every petition under the Indian Divorce Act, 1869, except petitions un- der section 44 of the same Act, and every memorandum of ap- peal under section 55 of the same Act• 21.Plaint or me- morandum of ap- peal under the Parsi Marriage and Divorce Act, 1865. to a to any Proper fee (3) Twenty- two rupees. Sixteen rupees a n d fifty paise. Qty--t w o rupees. Sixteen rupees a d fifty paise. Sixteen rupees a n d fifty paise. Fifty-five rupees. Sixteen rupees a n d fifty Paise. Twenty-t w o rupees, Act Act Act X V IV 1 940. 1908. of of 1869 of 1865. Twenty-t w o rupees. Act XV

