

PART III
FEE SAND COSTS
CHAPTER XII

A—PROCESS FEES

1. The fees in the following schedule framed by the High Court under Section 20 the Court-fees Act, 1870, shall be charged for serving and executing processes issued by the High Court in its appellate jurisdiction:

Fees chargeable in the High Court Appellate Jurisdiction:

| | Proper fees | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------|
| | Rs. | a. p. |
| <i>Article I</i> — In every case in which personal or substituted service of any process on parties to the cause, or any persons who are not parties, is required where not more than four persons are to be served with the same document, one fee. | 3 | 4 0 |
| When such persons are more than four in number, then the fee above-mentioned and an additional fee of 8 annas for every such person in excess of four: | 0 | 8 0 |

Provided that in the last mentioned case, where such persons reside in the same or immediately adjacent villages, the additional fee may be such sum, not exceeding the amount of the fee prescribed, as the High Court may, in the particular case, determine;

Provided also that in analogous cases where the appellant is the same but the respondents are different but reside in the same or immediately adjacent villages, the same rule shall apply.

Notwithstanding anything contained in the provisos to this Article, no prayer for reduction of the fee prescribed and determined by the High Court shall be considered unless it is made within the time laid down for the deposit of the fees for the issue of notice and sufficiently early to obtain an order before that time expires. No prayer for the acceptance of one process free for the service of notice both in an appeal and a connected rule, or in two or more analogous appeals, shall be considered unless written up notices both in that appeal and in the connected rule

or in the two or more analogous appeals are filed at the time the prayer is made and can be served simultaneously.

Article 2. For the execution of a warrant for arrest of a person 3 0 0

Article 3. For service or execution of any process issued by the Court, not specified in any proceeding article 3 0 0

Note:— Additional costs may be demanded to meet the costs of service of summons, processes, etc. outside India.

2. Notwithstanding R. 1, no fee shall be chargeable serving or executing —

(1) any process, such as a notice, rule, summons, or warrant of arrest which may be issued by any Court of its own motion, solely for the purpose of taking cognizance of and punishing any act done or words spoken in contempt of its authority or of taking action under Sections 195 and 476 of the Criminal Procedure Code, 1898.¹

(2) any person issued a second time in consequence of an adjournment made otherwise than at the instance of a party or an intervener;

(3) any copy of summons, notice, order, proclamation or other process, posted in a Court house or in the office of the Collector;

(4) any order intimating postponement of sale, withdrawal of attachment or directing restoration of attached property to the person in whose custody it was or its replacement where it was found at the time of seizure;

(5) any order directing an officer-in-charge of a jail to detain or to release a person committed to his custody.

3. The fees hereinbefore provided, except those mentioned in the next rule, shall be payable in advance at the time when the petition for service or execution is presented, and shall be paid by means of stamps affixed to the petition in addition to the stamps necessary for its own validity.

4. (i) In the localities which are not for the time being, when in order to the service of any process the peon has to cross a ferry, then the amount, if any, legally eligible as toll shall be paid by the Court executing such process from its permanent advance.

(ii) The permanent advance mentioned in this rule is the special permanent advance sanctioned by the Local Government for the purpose of the rules.

B—OTHER FEES

5. The following fees shall be charged on every application made in respect of the following matters, and such fees shall be paid by means of Court-fee stamps

Note 1: Rule 2. — Section 476 as referred to in this rule corresponds to Sections 340 and 343 of the Code of Criminal Procedure, 1973 as amended.

affixed to such application :²

For every search in the offices, record room, books or registers of the Court, including searches consequent on applications for inspection, for information, for copies of documents, and for return of documents or applications made by parties for records or documents under Order XIII, R. 10, Civil Procedure Code

...One rupee.

Provided that no searching-fee shall be charged in respect of application by parties to an appeal or other proceeding for inspection, information, copies or return of the documents filed by parties to an appeal or other proceeding if the records of such appeal or proceeding have not been deposited in the record room. On such application for a copy of any document or record in the High Court, whether the copy applied for is of a single document or more documents than one

...Two annas:

Provided that this does not authorise applicant to ask in a single application for copies of more than one paper, if required, in more than one case. There must be a separate application, and, therefore, a separate stamp, for each case.

For swearing or affirming every affidavit, whether intended to be used in the High Court, either in its original jurisdiction or its appellate jurisdiction, or in any other Court, except the Insolvency Court

... Two rupees.

For inspection of records (exclusive of any searching-fee leviable under this rule) —

(i) If the application is by a party to the appeal or other proceeding

...One rupee.

(ii) If the application is not by a party to the appeal or other proceeding .

... Five rupees.

Provided that no fee shall be levied from parties to appeals or other proceedings in the Court, or their advocates, for inspecting the records of such appeals or proceedings if the records relating thereto have not been deposited in the record room of the Court.

6. Except as otherwise specially provided in these rules, the following transaction fee shall be charged in cases where a party to any suit or appeal, or his advocate, or when a Lower Court requires a document to be translated by a salaried translator of the Court:

One anna for every 3 words for documents written in language other than Hindi and Assamese and for every 5 words for other documents (three figures

*Note 2:*Rule 5. — Order XIII, R. 10 of the Code of Civil Procedure, prescribes that Court may send for either from its own records or from any other Court, the record of any other suit or proceedings, and inspect the same.

being counted as one word) subject to a minimum charge of Rs.2.

C—COSTS

7. The following scale of costs shall ordinarily be allowed to the successful party in appeals to the High Court in its appellate jurisdiction.

Second Appeals

Paper-book cost to successful party irrespective of value of appeal:—

(1) *If appellant* —

(a) Rupees 14 (Rs. 16 in appeals in which there was any order of remand passed by the Lower Appellate Court and in which the previous judgments (original and appellate) have been included in the Paper-book) for each independent appeal; and

(b) in analogous appeals Rs.14 or Rs.16 as the case may be, for the first appeal Rs.2 per appeal up to four such appeals and Re.1 for every appeal in excess of four, the additional charge for analogous appeals not exceeding Rs.16 in any case.

(2) *If respondent* —

(a) Rupees 7 (Rupees 8 in appeals in which there was an order of remand passed by the Lower Appellate Court and in which the previous judgments (original and appellate) have been included in the Paper-book) for each independent appeal, and

(b) in analogous appeals Rs.7 or Rs.8 as the case may be, for the first appeal and half the charges prescribed for the appellant in respect of analogous appeals, the additional charge not exceeding Rs. 8 in any case.

Rs. a.p.

Not exceeding Rs. 500

| | | |
|---------------------------|-----|--------|
| Drawing grounds of appeal | ... | 17 0 0 |
| Hearing fee | ... | 17 0 0 |

Exceeding Rs. 500 but not exceeding Rs. 1,000

| | | |
|---------------------------|-----|--------|
| Drawing grounds of appeal | ... | 17 0 0 |
| Hearing fee | ... | 34 0 0 |

Exceeding Rs. 1,000 but not exceeding Rs. 2,000

| | | |
|---------------------------|-----|--------|
| Drawing grounds of appeal | ... | 34 0 0 |
| Hearing fee | ... | 68 0 0 |

Exceeding Rs. 2,000

| | | |
|---------------------------|-----|--------|
| Drawing grounds of appeal | ... | 34 0 0 |
|---------------------------|-----|--------|

| | | |
|----------------------------------------------------------|-----|---------------------|
| Hearing fee | ... | 85 0 0 |
| Appeals from original decrees | | |
| <i>Not exceeding Rs.5,000</i> | | |
| Drawing grounds of appeal | ... | Rs. a. p. 34 0 0 |
| Hearing fee | ... | 85 0 0 |
| <i>Exceeding Rs.5,000 but not exceeding Rs.10,000</i> | | |
| Drawing grounds of appeal | ... | 85 0 0 |
| Hearing fee | ... | 340 0 0 |
| <i>Exceeding Rs.10,000 but not exceeding Rs.20,000</i> | | |
| Drawing grounds of appeal | ... | 136 0 0 |
| Hearing fee | ... | 510 0 0 |
| <i>Exceeding Rs.20,000 but not exceeding Rs.50,000</i> | | |
| Drawing grounds of appeal | ... | 136 0 0 |
| Hearing fee | ... | 680 0 0 |
| <i>Exceeding Rs.50,000 but not exceeding Rs.75,000</i> | | |
| Drawing grounds of appeal | ... | 170 0 0 |
| Hearing fee | ... | 850 0 0 |
| <i>Exceeding Rs.75,000 but not exceeding Rs.1,00,000</i> | | |
| Drawing grounds of appeal | ... | 170 0 0 |
| Hearing fee | ... | 1,020 0 0 |
| <i>Exceeding Rs.1,00,000</i> | | |
| Drawing grounds of appeal | ... | 255 0 0 |
| Hearing fee | ... | 1,700 0 0 |
| Appeals from Orders | | |
| <i>Not exceeding Rs.5,000</i> | | |
| Same scales as in Second Appeals. | | |
| <i>Exceeding Rs.5,000 but not exceeding Rs.10,000</i> | | |
| Drawing grounds of appeal | ... | 34 0 0 |
| Hearing fee | ... | 102 0 0 |
| <i>Exceeding Rs.10,000</i> | | |
| Drawing grounds of appeal | ... | 34 0 0 |
| Hearing fee | ... | 170 0 0 |
| Revision Cases | | |
| <i>Not exceeding Rs.2,000</i> | | |
| Drawing grounds of appeal | ... | 17 0 0 |
| Hearing fee | ... | 17 0 0 |
| <i>Exceeding Rs.2,000</i> | | |

| | | |
|------------------|-----|--------|
| Drawing petition | ... | 17 0 0 |
| Hearing fee | ... | 34 0 0 |

Letters Patent Appeals

The same costs are allowable in previous hearing.

Reviews

(Where notice is given and opposite party appears)

The same costs as were allowed upon the hearing in second and miscellaneous appeals.

In appeals from original decrees the costs to be fixed by the Court.

Applications

(Where notice is given and opposite party appears).

To be fixed by the Judge or Judges who hear the application.

General Rules

When there are several parties to an appeal, review, or application, one set of costs will generally be awarded, unless the Court, upon the application of the parties, shall otherwise order.

8. In cases where, on appeal to the High Court from an original or appellate decree an order of remand is passed, the Court-fee paid on the Memorandum of Appeal shall ordinarily be treated as costs in the appeal. But where an order of remand is made on any of the grounds mentioned in the first Schedule, Order XLI, R.23 of the Civil Procedure Code, for a second decision by the Lower Court, this Court shall, on the verbal application of either party made at the time of making the order for remand, make an order authorising the appellant to receive back from the Collector the full or proportionate amount, as the case may be, of the fee paid on the Memorandum of Appeal as provided in Section 13 of the Court-fees Act VII of 1870.

Any such application for refund not made at the time of the passing of the order of remand, but made on a subsequent date, may be entertained if made to the Court on a petition for amendment of the order of remand with the proper stamp.

9. Where in a Civil Rule, an order of cost has been passed such cost shall be paid within sixty days from the date of the order unless otherwise directed by the Court; and on failure to pay the cost within such time the order shall be executable.