

# **The Court-Fees Act, 1977 (1920 A.D.)**

JAMMU & KASHMIR

India

## **The Court-Fees Act, 1977 (1920 A.D.)**

### **Act 7 of 1977**

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The Court-Fees Act, 1977 (1920 A.D.) Act No. 7 of 1977 [Sanctioned by His Highness the Maharaja Sahib Bahadur per Chief Minister's Endorsement No. 8372, dated 11th September, 1920 read with State Council Resolution No. 1 dated 8th April 1925. (Notification No. 14-L/18). This Act was originally published in Government Gazette dated 16th Chet, 1977.]. [Chapter I [[Section 1-5 added by Act IX of 1994. Note. - Words 'Chapter I-Preliminary' and 'Chapter II-Fees in the High court' are not given in the amending Act. These have been added by the Editor for consistency and facility of reference.]] Preliminary]

#### **1. [ Short title and extent. [[Section 1-5 added by Act IX of 1994.**

Note. - Words 'Chapter I-Preliminary' and 'Chapter II-Fees in the High court' are not given in the amending Act. These have been added by the Editor for consistency and facility of reference.]]- (i) This Act may be called the Court-Fees Act No. VII of Samvat 1977. (ii) It extends to the whole of the State of Jammu and Kashmir.

#### **2. Chief Controlling Revenue Authority.**

- The Revenue Minister or a Minister for the time being in charge of the Revenue Administration of the State shall be the [Chief Controlling Revenue Authority] [Section 3 substituted by Act III of 2008.] for the purpose of administration of court-fees laws.

#### **3. [ Collector. [Section 3 substituted by Act III of 2008.]**

- In this Act unless there is anything repugnant in the subject or context "Collector" shall mean the Deputy Commissioner of a District]. [Chapter II [[Section 1-5 added by Act IX of 1994. Note. - Words 'Chapter I-Preliminary' and 'Chapter II-Fees in the High court' are not given in the amending Act. These have been added by the Editor for consistency and facility of reference.]] Fees in the High Court]

#### **4. Fees on documents filed in High Court.**

- No document of any of the kinds specified in the First or Second Schedules to the Court-Fees Act No. VII of 1977 annexed, as chargeable with fees shall be filed, exhibited or recorded in, or shall be received or furnished by the High Court in any case coming before it, in the exercise of its extraordinary original civil jurisdiction; or in the exercise of its extraordinary original criminal jurisdiction; or in the exercise of its ordinary original civil jurisdiction; or in the exercise of its jurisdiction as regards appeal from the judgments passed under ordinary original civil jurisdiction of the High Court; or in the exercise of its powers as a court of appeal from courts subject to its superintendence; or in the exercise of its jurisdiction as a court of reference or revision; unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said Schedules as the proper fee for such document.

#### **5. Procedure in case of difference as to necessity or amount of court-fee.**

- It shall be the duty of the Registrar of the High Court to see that proper fee is paid under this Chapter. If any difference arises between the said officer and any suitor or counsel as to the necessity of paying a fee or the amount thereof, the question shall be referred to the said Registrar and his decision shall be final. When, however, the question is, in the opinion of the Registrar, one of general importance, he shall refer it for the final decision of the Chief Justice, or such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.]

### **Chapter III**

#### **Fees in Other Courts and in Public Offices**

#### **6. Fees on documents filed etc. in Mufassil Courts or in public offices.**

- No document of any of the kinds specified as chargeable in the first or second Schedule to this Act annexed shall be filed, exhibited or recorded in any Court Justice, or shall be received 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 by either of the said Schedules as the proper fee for such document.

#### **7. Computation of fee payable in certain suits.**

- The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows:-(i)for money. - In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)-according to the amount claimed;(ii)for maintenance and annuities. - In suits for maintenance and annuities or other sums payable periodically according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year;(iii)for other movable property having a market-value. - In suits for movable property other than money, where the subject-matter has a market-value-according to such value at

date of presenting the plaint.(iv)In suits-(a)for movable property of no market-value. - for movable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title,(b)to enforce a right to share in joint family property. - to enforce the right to share to in any property on the ground that it is joint family property, (this does not apply to a suit for partition by metes and bounds),(c)for a declaratory decree and consequential relief. - to obtain a declaratory decree or order where consequential relief is prayed,(d)for an injunction. - to obtain an injunction,(e)for easements. - for a right to some benefit (not herein otherwise provided for) to arise out of land, and(f)for accounts. - for accounts-according to the amount at which the relief sought is valued in the plaint or memorandum of appeal.In all such suits the plaintiff shall slate the amount at which the values the relief sought;(v)for possession of lands, houses and gardens. - In suits for the possession of land, house and gardens-according to the value of the subject-matter; and such value shall be deemed to be-where the subject-matter is land, and-(a)Omitted,(b)where the land forms and entire estate or a definite share of an estate, paying annual revenue to Government or forms part of such estate [and is recorded as separately assessed with such revenue] [Substituted for 'and is recorded as aforesaid' by Act X of 2004.]-eight times the revenue so payable,(c)where the land pays no such revenue, or has been partially exempted from such payment, is a jagir or a dharmarth property or is charged with any fixed payment in lieu of such revenue, and net profits have arisen from the land during the year next before the date of presenting the plaint-fifteen times such net profit;but where no such net profits have arisen therefrom-the amount at which the Court shall estimate the land with reference to the value of similar land in the neighbourhood,(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-the market-value of the land,Explanation. - the word "estate" as used in this paragraph, 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,(e)for houses and gardens. - where the subject-matter is a house or garden;-according to the market-value of the house or garden;(vi)to enforce a right of pre-emption. - In suits to enforce a right of pre-emption-according to the value (computed in accordance with paragraph v of this section) of the land, house or garden in respect of which the right is claimed ;(vii)for interest of assignee of land revenue. - In suits for the interest of an assignee of land revenue-fifteen times his net profits as such for the year next before the date of presenting the plaint;In suits for Haq-i-Lambardari maqaddymi or a similar right-eight times the income of the Haq or right;(viii)to set aside an attachment. - In suits to set aside an attachment of land or of an interest in land or revenue-according to the amount for which the land or interest was attached :Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest;(ix)to foreclose. - In suits against a mortgagee for the recovery of the property mortgaged;to foreclose. - and in suits by a mortgagee to foreclose the mortgage, or, where the mortgage is made by conditional sale, to have the sale declared absolute-according to the principal money expressed to be secured by the instrument of mortgage;(x)for specific performance. - In suits for specific performance-(a)of a contract of sale-according to the amount of the consideration;(b)of a contract of mortgage-according to the amount agreed to be secured ;(c)of a contract of lease- according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term ;(d)of an award-according to the amount or value of the property in dispute;(xi)between landlord and tenant. - In the following suits between landlord and tenant(a)for

the delivery by a tenant of the counter-part of a lease,(b)to enhance the rent of a tenant having a right of occupancy,(c)for the delivery by a landlord of lease,(cc)for the recovery of immovable property from a tenant including a tenant holding over after the determination of a tenancy,(d)to contest a notice of ejectment,(e)to recover the occupancy of immovable property from which tenant has been illegally ejected by the landlord, and(f)for abatement of rent-according to the amount of the rent of the immovable property to which the suit refers, payable for the year next before the date presenting the plaint.

## **8. Fee on memorandum of appeal against order relating to compensation.**

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

## **9. Power to ascertain net profits or market-value.**

- If the court sees reason to think that the annual net profits or the market-value of any such land, house or garden as is mentioned in section 7, paragraphs (v) and (vi), have or has been wrongly estimated, the court may, for the purposes of computing the fee payable in any suit therein mentioned, 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.

## **10. Procedure where net profits or market-value wrongly estimated.**

- (i) If in the result of any such investigation the Court finds that the market-value has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee; but if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee its would have been payable had the said market-value or net profits been rightly estimated.(ii)In such cases the suit shall be stayed until the additional fee is paid. If the additional fee is not paid within such times as the Court shall fix, the suit shall be dismissed.

## **11. Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed.**

- In suits for mesne profits or for immovable property and mesne profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount so decreed shall have been paid to the proper officer. Where the amount of mesne profits is left to be ascertained in the course of the execution of the decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable had the suit

comprised the whole of the profits so ascertained is paid. If the additional fee is not paid within such time as the Court shall fix. the suit shall be dismissed:[Provided that, in suits under the Agriculturists Relief Act, 1983, the decree shall be executed to the extent of the amount of the instalments which have become due on payment of the additional court-fee, if any, which is found payable when calculated on the amount for which execution is sought] [Proviso to section 11 added by Act XI of 1988.].

## **12. Decision of questions as to valuation.**

- (i) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this Chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.(ii)But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of section 10, paragraph (ii), shall apply.

## **13. Refund of fee paid on memorandum of appeal.**

- If an appeal or plaint which has been rejected by the Lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in Order XLI, Rule 23 of the same Code for a second decision by the Lower Court, the Appellate Court shall grant to the appellant a certificate, authorising him to receive back from the Collector the full amount of fee paid on the memorandum of appeal:Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorise the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

## **14. Refund of fee on application for review of judgment.**

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

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

- Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall

be entitled to a certificate from the Court authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under the second Schedule to this Act No. 1, clause (b) [or clause (d)] [Added by Act IX of 1994.]. But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

## **16.**

Omitted.

## **17. Multifarious-suits.**

- Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memorandum of appeal in suits embracing separately each, of such subjects would be liable under this Act. Nothing in the former part of this section shall be deemed to affect the power conferred by the Code of Civil Procedure, Order II, Rule 6.

## **18. Written examination of complainants.**

- When he first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which the police officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act is reduced to writing under the provisions of the Code of Criminal Procedure, the complainant shall pay a fee of [three rupees,] [Substituted for 'Eight annas' by notification No 12-L/86 Published in Government Gazette dated 28th Magher, 1986.] unless the Court thinks fit to remit [such payment] [Substitute by Act, VII of 2000 (Section 2).].

## **19. Exemption of certain documents.**

- Nothing contained in this Act shall render the following documents chargeable with any fee : (i) Power of attorney to institute or defend a suit when executed by an officer, warrant-officer, non-commissioned officer or private of [the Government's] [Substituted by Act, X of Svt. 2010 for 'His Highness', now Indian Army.] army not in civil employment. (ii) Omitted. (iii) Written statements called for by the Court after the first hearing of a suit. (iv) Omitted. (v) [Omitted.] [Clauses (v) and (vi) deleted by Act IX of Svt. 1994.] (vi) [Omitted.] [Clauses (v) and (vi) deleted by Act IX of Svt. 1994.] (vii) Omitted. (viii) Probate of a will, letters of administration, where the amount or value of the property in respect of which the probate or letter or certificate shall be granted does not exceed one thousand rupees. (ix) Application or petition to a Collector or other officer making a settlement of land revenue or to the Revenue Minister, relating to matters connected with the assessment of land or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement. [(ix-a) Applications, appeals to the Income Tax Department in

proceedings relating to assessment of Income Tax or objections thereto] [Added by Act No. IX of 1994.](x)Application relating to a supply for irrigation of water belonging to Government.(xi)Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.(xii)Application for service of notice of relinquishment of land or of enhancement of rent.(xiii)Written authority to an agent to distraint.(xiv)First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.(xv)Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.(xvi)Petition, application, charge or information respecting any offence when presented, made or laid to or before a police officer.(xvi-a) Petition in a criminal case in which the police may arrest without warrant.(xvi-b) Copy to which article 9 of the first Schedule of this Act applies furnished to an accused person in a warrant case.(xvii)Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.(xviii)Complaint of a public servant (as defined in the Ranbir Penal Code) a Municipal Officer, or of an official acting under Birds and Animals Game Protection Rules for breach of such rules.(xix)Application for permission to cut timber in Government forests, or otherwise relating to such forests.(xx)Application for the payment of money due by Government to the applicant.(xxi)Omitted.(xxii)Application for compensation under any law for the time being in force relating to the acquisition of property for public purposes.(xxiii)Omitted.

## **Chapter III**

### **A Probates, Letters of Administration and Certificates of Administration**

#### **19A. Relief where too high a court-fee has been paid.**

- Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Revenue Minister, and delivers to such authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation, and if such authority is satisfied that a greater fee was paid on the probate or letters than the law required the said authority may-(a)cancel the stamp on the probate or letters if such stamp has not been already cancelled;(b)substitute another stamp for denoting the court-fee which should have been paid thereon; and(c)make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

### **19B. Relief where debt due from a deceased person have been paid out of his estate.**

- Whenever it is proved to the satisfaction of such authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act, such authority may return the difference, provided the same be claimed within three years after the date of such probate or letters. But when, 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 term of three years, the said authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

### **19C. Relief in case of several grants.**

- Whenever a grant of probate or letters administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fees shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate. Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

### **19D. Probates declared valid as to trust-property though not covered by court-fee.**

- The probate of the will or the letters of administration of the effects of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any movable or immovable property whereof or where to the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.

### **19E. Provision for case where too low a court-fee has been paid on probate etc.**

- Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be and has in consequence paid too lower court-fee thereon, the Revenue Minister may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon



in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or if it or they is or are produced after one year from such date, of twenty times, such proper court-fee without any deduction of the court-fee originally paid on such probate or letters. Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters, and if the said authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased and without any intention of fraud or to delay the payment of the proper court-fee, the said authority may remit the said penalty and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

### **19F. Administrator to give proper security before letters stamped under section 19-E.**

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

### **19G. Executors, etc. not paying full court-fee on probates, etc. within six months after discovery of under payment.**

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

### **19H. Notice of applications for probate or letters of administration to be given to Revenue authorities, and procedure thereon.**

(1) Where an application for probate or letters of administration is made to any Court other than the High Court, the Court shall cause notice of the application to be given to the Collector. (2) Where such an application as aforesaid is made to the High Court, the High Court shall cause notice of the application to be given to the Revenue Minister. (3) The Collector within the local limits of whose revenue jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or

otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector may, if he thinks fit, require the attendance of the petitioner (either in person or by 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 under-estimated, may require the petitioner to amend the valuation.(4)If the petitioner does not amend the valuation to the satisfaction of the Collector, the Collector 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 months from the date of the exhibition of the inventory required by section 98 of the Probate and administration Act.(5)The Court when so moved as aforesaid, shall hold, or cause to be held an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.(6)For the purposes of any such inquiry, the Court or person authorised by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property. The person authorised as aforesaid to hold the inquiry shall return to the Court the evidence taken by him and report the result of the inquiry, and such report and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.(7)The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Revenue Minister of any application under section 19-E.(8)[The Government] [Substituted for 'His Highness' by Act X of 1996.], may make rules for the guidance of Collectors in the exercise of the powers conferred by sub-section (3).

## **19I. Payment of court-fees ill respect of probates and letters of administration.**

(1)No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the third Schedule, and the Court is satisfied that the fee mentioned in No. 11 of the first Schedule has been paid on such valuation.(2)The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Collector under section 19-H, sub-section (4).

## **19J. Recovery of penalties etc.**

(1)Any excess fee found to be payable on an inquiry held under section 19-H, sub-section (6), and any penalty or forfeiture under section 19-G may, on the certificate of the Revenue Minister be recovered from the executor or administrator as if it were an arrear of land revenue by the Collector in any part of the State.(2)The Revenue Minister may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 19-E or of any court-fee under section 19-E, in excess of the full court-fee which ought to have been paid.

## **19K. Section 6 and 28 not to apply to probates or letters of administration.**

- Nothing in section 6 or section 28 shall apply to probates or letters of administration.

## **Chapter IV Process-Fees**

### **20. Rules as to costs of processes.**

- The High Court shall, as soon as may be, make rules as to the following matters:-(i)the fees chargeable for serving and executing processes issued by such Court in its appellate jurisdiction, and by the other Civil Courts established within the local limits of such jurisdiction;(ii)the fees chargeable for serving and executing processes issued by the Criminal Court established within such limits in the case of offences other than offences for which Police officers may arrest without a warrant; and(iii)the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.The High Court may from time to time alter and add to the rules so made.Confirmation and publication of rules. - All such rules, alterations and additions shall, after being confirmed by [the Government] [Substituted for 'His Highness' by Act X of 1996.] be published in the Government Gazette, and shall there-upon have the force of law.Until such rules shall be so made and published, the fees now leviable for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under this Act.

### **21. Tables of process-fees.**

- A table in the English and Vernacular languages, showing the fees chargeable for such service and execution, shall be exposed to view in conspicuous part of each Court.

### **22. Number of peons in District and subordinate Courts.**

- Subject to rules to be made by the High Court and approved by [the Government] [Substituted for 'His Highness' by Act X of 1996.], every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court and each of the Courts subordinate thereto,Number of peons in Small Cause Court. - and for the purposes of this section, every Court of Small Causes shall be deemed to be subordinate to the Court of the District Judge.

### **23. Number of peons in Revenue Courts.**

- Subject to rules to be framed by the Revenue Minister and approved by [the Government] [Substituted for 'His Highness' by Act X of 1996.] every officer performing the functions of a Collector of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court or the Courts

subordinate to him.

## **24.**

Omitted.

## **Chapter V Of the Mode of Levying Fees**

### **25. Collection of fees by stumps.**

- All fees referred to in section 3 or chargeable under this Act shall be collected by stamps.

### **26. Stamps to be impressed or adhesive.**

- The stamps used to denote any fees chargeable under this Act shall be impressed or adhesive or partly impressed and partly adhesive, as [the Government] [Substituted for 'His Highness' by Act X of 1996.] may, by notification in the Government Gazette, from time to time direct.

### **27. Rules for supply number, renewal and keeping accounts of stamp.**

- [The Government] [Substituted for 'His Highness' by Act X of 1996.] may, from time to time, make rules for regulating-(a)the supply of stamps to be used under this Act,(b)the number of stamps to be used for denoting any fee chargeable under this Act,(c)the renewal of damaged or spoiled stamps, and(d)the keeping accounts of all stamps used under this Act.All such rules shall be published in the Government Gazette, and shall thereupon have the force of law.

### **28. Stamping document inadvertently received.**

- No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped.But, if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or, in the case of the High Court, Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

### **29. Amended document.**

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

### **30. Cancellation of stamps.**

- 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, forthwith 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.

## **Chapter VI**

### **Miscellaneous**

### **31. Repayment of fees paid on applications to Criminal Courts.**

- (i) Whenever an application or petition containing a complaint or charge of an offence, other than an offence for which police officers may arrest without warrant, is presented to a Criminal Court, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee paid on such application or petition. (ii) In the case mentioned in section 18, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee, if any, paid by the latter for the examination. (iii) When the complainant has paid fees for serving processes in either of the cases mentioned in the first and second paragraphs of this section, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay such fees to the complainant. (iv) All fees ordered to be repaid under this section may be recovered as if they were fines imposed by the Court.

### **32.**

Omitted.

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

- When ever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section 6 shall be deemed to prohibit such filing or exhibition.

### **34. Sale of stamps.**

(1) [The Government] [Substituted for 'His Highness' by Act X of 1996.] may from time to time make rules for regulating the sale of stamps to [be used under this Act, under a licence on payment of fee to be prescribed,] [Substituted for 'be used under this Act' by Act XIII of 2005.] the person by whom along such sale is to be conducted, and the duties and remuneration of such persons. (2) All such

rules shall be published in the Government Gazette, and shall thereupon have the force of law.(3)Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to [one year] [Substituted by Act VII of 2000, Section 3.], or with fine which may extend to [five thousand rupees] [Substituted for 'His Highness' by Act X of 1996.], or with both.

### 35. Power to reduce or remit fees.

- [The Government] [Substituted for 'His Highness' by Act X of 1996.] may, from time to time by notification in the Government Gazette, reduce or remit in the whole or in any part of the State, all or any of the fees mentioned in the first and second Schedules to this Act annexed, and may in like manner cancel or vary such order.[The enactments mentioned in the Schedule given below are repealed to the extent specified therein.] [Enactment mentioned in Schedule below were repealed by Act IX of 1994.]

### Schedule

Number and year	Title	Extent of Repeal
Counsel Resolution No. II of 1901.	Dharmarth Department }	
Council Resolution No. 8 of 1902.	{ Exemption from payment of Court and Process Fee and stamp duty.	The whole.
Resolution No. 31 of 1892.	{ Exemption from payment of Court-fee and stamps duty in case of Municipalities.	The whole.
[Schedule I] [Schedule I substituted by Act XIV of 1974, Section 3.] Ad valorem fees		
Number	Proper fee	
1. [Plaint. Written [Substituted statement, by Act VII of 2000, section 4.] or counter claim or memorandum of appeal (not otherwise provided for by this Act) or of cross objection presented to any Civil or Revenue	When the amount or value of the subject matter in dispute does not exceed one hundred rupees.	Rs. 20.00

Court.

When such amount  
or value exceeds  
one  
hundred rupees, for  
every ten rupees or  
part thereof, in  
excess of  
one hundred  
rupees, up to one  
thousand rupees.

Rs. 2.00

When such  
amount or  
value exceeds  
one  
thousand rupees,  
for every  
hundred  
rupees or part  
thereof, in  
excess of one  
thousand  
rupees, up to  
ten thousand  
rupees.

Rs.  
20.00

When such  
amount or  
value exceeds  
ten  
thousand rupees,  
for every one  
thousand  
rupees or part  
thereof, in  
excess of ten  
thousand  
rupees, up to  
one lakh of  
rupees.

Rs.  
120.00

When such  
amount or  
value exceeds  
one lakh

Rs.  
200.00

of rupees, for every ten thousand rupees or part thereof, in excess of one lakh of rupees; Provided that the maximum fee leviable on the plaint or memorandum of appeal or of cross objection shall be seventy-five thousand rupees.]

2.	Plaint in a suit for possession under (the Specific Relief Act, section 9)	...	...	A fee equal to the amount prescribed in the foregoing scale.
3.	Omitted.			
4.	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.
5.	Application for review of judgment if presented before the ninetieth day from the date of the decree	...	...	Fee leviable on the plaint or memorandum of appeal.
6.	Copy of translation of a judgment or order not being or having the force of a decree	(a)-If the amount or value of the subject-matter is fifty or less than fifty	[Rs. 2.00] [Substituted by Act VII of 2000, section 4.]	



		rupees.	
		(b)-If such amount or value exceeds fifty rupees.	[Rs. 5.00] [Substituted by Act VII of 2000, section 4.]
7.	Copy of a decree or order having the force of a decree.	(a)- If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees.	[Rs. 2.00] [Substituted by Act VII of 2000, section 4.]
		(b) If such amount or value exceeds fifty rupees	[Rs. 3.00] [Substituted by Act VII of 2000, section 4.]
		When such decree or order is made by the High Court.	[Rs. 10.00] [Substituted by Act VII of 2000, section 4.]
8.	Copy of any document liable to stamp duty under the State Stamp Act, 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 fifty paise.	The amount of the duty chargeable on the original.
	(b)-In any other case.	Rs. 1.00	
9.	Copy of any revenue or judicial proceeding or order not otherwise	...	Rs. 1.50

	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.		
10.	Omitted.		
		If the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceed ten thousand rupees.	Three per cent on such amount or value.
11.	Probate of a will or letters of administration with or without will annexed.		
	When such amount or value exceeds ten thousand rupees but does not exceed fifty thousand rupees.	Three per cent on such amount or value.	
	When such amount or value exceeds fifty thousand rupees:	Four per cent on such amount or value.	
	Provided that when after the grant of a Certificate under the Succession Certificate Act 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.

12. Certificate under  
the Succession  
Certificate Act.

In any case.

Three per  
cent on the  
amount or  
value of  
any debt or  
security  
specified in  
the  
certificate  
the  
certificate under  
section 8 of  
the Act and  
three per  
centum on  
any amount  
or value on  
the debt or  
security to  
which the  
certificate'  
is extended  
under  
section 10 of  
the Act.

Note- The  
amount of a  
debt is  
its amount,  
including

		interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.	
13.	Application to the High Court for revisional jurisdiction under section 115 of the Code of Civil Procedure.	When the amount or value of the subject matter in dispute does not exceed twenty-five rupees.	[Rs.5.00] [Substituted by Act VII of 2000, section 4.]
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a memorandum of appeal.	
13-A.	Application under the Agriculturists Relief Act to the High Court for revisional jurisdiction under section 115 of the Civil Procedure Court.	In all cases.	[Rs.5.00] [Substituted by Act VII of 2000, section 4.]
14.	Omitted.		
15.	Omitted.		

[Schedule I] [Substituted by Act VII of 2000, Section 4.] Table of rates of ad valorem fees leviable on the institution of suits etc.

When the amount or value of the subject matter exceeds	But does not exceed	Proper fee
1	2	3
Rs.	Rs.	Rs.
...	100	10.00
100	110	11.00
110	120	12.00

The Court-Fees Act, 1977 (1920 A.D.)

120	130	13.00
130	140	14.00
140	150	15.00
150	160	16.00
160	170	17.00
170	180	18.00
180	190	19.00
190	200	20.00
200	210	21.00
210	220	22.00
220	230	23.00
230	240	24.00
240	250	25.00
250	260	26.00
260	270	27.00
270	280	28.00
280	290	29.00
290	300	30.00
300	310	31.00
310	320	32.00
320	330	33.00
330	340	34.00
340	350	35.00
350	360	36.00
360	370	37.00
370	380	38.00
380	390	39.00
390	400	40.00
400	410	41.00
410	420	42.00
420	430	43.00
430	440	44.00
440	450	45.00
450	460	46.00
460	470	47.00
470	480	48.00
480	490	49.00

The Court-Fees Act, 1977 (1920 A.D.)

490	500	50.00
500	510	51.00
510	520	52.00
520	530	53.00
530	540	54.00
540	550	55.00
550	560	56.00
560	570	57.00
570	580	58.00
580	590	59.00
590	600	60.00
600	610	61.00
610	620	62.00
620	630	63.00
630	640	64.00
640	650	65.00
650	660	66.00
660	670	67.00
670	680	68.00
680	690	69.00
690	700	70.00
700	710	71.00
710	720	72.00
720	730	73.00
730	740	74.00
740	750	75.00
750	760	76.00
760	770	77.00
770	780	78.00
780	790	79.00
790	800	80.00
800	810	81.00
810	820	82.00
820	830	83.00
830	840	84.00
840	850	85.00
850	860	86.00

The Court-Fees Act, 1977 (1920 A.D.)

860	870	87.00
870	880	88.00
880	890	89.00
890	900	90.00
900	910	91.00
910	920	92.00
920	930	93.00
930	940	94.00
940	950	95.00
950	960	96.00
960	970	97.00
970	980	98.00
980	990	99.00
990	1000	100.00
1000	1100	106.00
1100	1200	112.50
1200	1300	118.75
1300	1400	125.00
1400	1500	131.25
1500	1600	137.50
1600	1700	143.75
1700	1800	150.00
1800	1900	156.25
1900	2000	162.50
2000	2100	168.75
2100	2200	175.00
2200	2300	181.25
2300	2400	187.50
2400	2500	193.75
2500	2600	200.00
2600	2700	206.25
2700	2800	212.50
2800	2900	218.75
2900	3000	225.00
3000	3100	231.25
3100	3200	237.50
3200	3300	243.75

The Court-Fees Act, 1977 (1920 A.D.)

3300	3400	250.00
3400	3500	256.25
3500	3600	262.50
3600	3700	268.75
3700	3800	275.00
3800	3900	281.25
3900	4000	287.50
4000	4100	293.75
4100	4200	300.00
4200	4300	306.25
4300	4400	312.50
4400	4500	318.75
4500	4600	325.00
4600	4700	331.25
4700	4800	337.50
4800	4900	343.75
4900	5000	350.00
5000	5250	370.00
5250	5500	390.00
5500	5750	410.00
5750	6000	430.00
6000	6250	450.00
6250	6500	470.00
6500	6750	490.00
6750	7000	510.00
7000	7250	530.00
7250	7500	550.00
7500	7750	570.00
7750	8000	590.00
8000	8250	610.00
8250	8500	630.00
8500	8750	650.00
8750	9000	670.00
9000	9250	690.00
9250	9500	710.00
9500	9750	730.00
9750	10000	750.00



The Court-Fees Act, 1977 (1920 A.D.)

10000	10500	800.00
10500	11000	850.00
11000	11500	900.00
11500	12000	950.00
12000	12500	1000.00
12500	13000	1050.00
13000	13500	1100.00
13500	14000	1150.00
14000	14500	1200.00
14500	15000	1250.00
15000	15500	1300.00
15500	16000	1350.00
16000	16500	1400.00
16500	17000	1450.00
17000	17500	1500.00
17500	18000	1550.00
18000	18500	1600.00
18500	19000	1650.00
19000	19500	1700.00
19500	20000	1750.00
20000	21000	1850.00
21000	22000	1950.00
22000	23000	2050.00
23000	24000	2150.00
24000	25000	2250.00
25000	26000	2350.00
26000	27000	2450.00
27000	28000	2550.00
28000	29000	2650.00
29000	30000	2750.00
30000	32000	2900.00
32000	34000	3150.00
34000	36000	3300.00
36000	38000	3450.00
38000	40000	3600.00
40000	42000	3750.00
42000	44000	3900.00

44000	46000	4050.00
46000	48000	4200.00
48000	50000	4350.00
50000	52500	4500.00
52500	55000	4650.00
55000	57500	4800.00
57500	60000	4950.00
60000	62500	5100.00
62500	65000	5250.00
65000	67500	5400.00
67500	70000	5550.00
70000	72500	5700.00
72500	75000	5850.00

and the fees increase at the rate of rupees 150 for every rupees 5,000 or part thereof up to rupees 1,00,000 over rupees 1,00,000 at the rate of rupees 200 for every rupees 10,000 or part thereof up to rupees 10,00,000 over rupees 10,00,000 at the rate of rupees 1,200 for every rupees 1,00,000 or part thereof up to rupees 20,00,000 and over rupees 20,00,000 at the rate of rupees 500 for every rupees 1,00,000 or part thereof up to a maximum fee of rupees 75,000 for example:-

1	2
Rs.	Rs.
1,00,000	6,600
2,00,000	8,600
3,00,000	10,600
4,00,000	12,600
5,00,000	14,600
6,00,000	16,600
7,00,000	18,600
8,00,000	20,600
9,00,000	22,600
10,00,000	24,600
11,00,000	25,800
12,00,000	27,000
13,00,000	28,200
14,00,000	29,400
15,00,000	30,600
16,00,000	31,800
17,00,000	33,000
18,00,000	34,200

19,00,000 35,400

20,00,000 36,600

21,00,000 37,100

22,00,000 37,600

[Schedule II] [Schedule II substituted by Act XIV of 1974, Section 3.] Fixed Fees

Number	Proper fee
1. Application or petition (a).-	<p>When presented to any sub-Registrar or any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government and when the subject-matter of such application relates exclusively to those dealings;</p> <p>[Re. 1.00] [Substituted by Act VII of 2000, Section 5.]</p>
<p>when presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement;</p> <p>[Re. 1.00] [Substituted by Act VII of 2000, Section 5.]</p>	
<p>or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;</p> <p>[Re. 1.00] [Substituted by Act VII of 2000, Section 5.]</p>	
<p>or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes or to a Collector or other officers of revenue in relation to any suit or case in which the amount or value</p> <p>[Re. 1.00] [Substituted by Act VII of 2000, Section 5.]</p>	

- of the subject-matter is less than fifty rupees;
- when present to any Civil Criminal or Revenue Court or Registration Office for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court or of any other document on record in such Court or Office. [Re. 1.00] [Substituted by Act VII of 2000, Section 5.]
- or
- (b).- When containing a complaint or charge of any offence other than an offence for which Police Officers may, under the Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court; [ Re.2.00] [Substituted by Act VII of 2000, Section 5.]
- or
- when presented to a Civil, Criminal or Revenue Court or to a Registrar under the Registration Act or to a Collector, or any Revenue Officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate or the head of any Department other than a Minister in his executive capacity, and not otherwise provided for by this Act; [Re.2.00] [Substituted by Act VII of 2000, Section 5.]
- or
- to deposit in Court revenue or rent; [Re.2.00] [Substituted by Act VII of 2000, Section 5.]
- or
- for determination by a Court of the amount of compensation to be paid by landlord to his tenant. [Re.2.00] [Substituted by Act VII of 2000, Section 5.]
- (c).-

When presented to a Minister [Rs.4.00]  
in his executive capacity and [Substituted by  
not otherwise provided for by Act VII of  
this Act. 2000, Section  
5.]

(d).- When presented to the High  
Court-

(i) under the Companies Act, [Rs.3000.00]  
1977, for winding up [Substituted by  
a Company; Act VII of  
2000, Section  
5.]

(ii) under the same Act for taking [Rs. 15.00]  
some other judicial action; [Substituted by  
Act VII of  
2000, Section  
5.]

(iii) in all other cases not [Rs.5.00]  
otherwise provided for by this [Substituted by  
Act. Act VII of  
2000, Section  
5.]

(e).- When presented or addressed [Rs.5.00]  
to the Government and not [Substituted by  
otherwise provided for by this Act VII of  
Act. 2000, Section  
5.]

#### Exemptions-

1. Petitions from widows,  
orphans and  
military pensioners when  
submitted to the Government  
or Council of Ministers.
2. Applications for employment  
in Government service when  
sent in response to  
Government advertisements.
3. Petitions from pensioners  
with regard to their pensions.
4. Applications by Civil and  
Military Officers regarding  
questions arising out of the

service such as applications for grant of increment, transfer, leave etc.

5. Applications for scholarships.

Applications for grant-in-aid

6. to Schools, Maktabas and Pathshalas.

Applications for grant of loan

7. from provident fund or for House building or purchase of motorcar.

Petitions from widows and

8. orphans for grant of compassionate allowance.

Applications for enquiries received from contractors and

9. licensees arising out of the operation of such contracts and licences but not applications for any concessions or remissions.

Applications from the public bodies for repairs to drains,

10. roads, ghats, bathing places or stand pipes or for provision of light and water whether in towns or in rural areas.

Applications from Muafidars

11. or Mukarraridars for payment or settlement of their pending claims.

Applications for registration of arms.

12. Applications made by officer-in-charge

Kashmir Willows to the

13. Customs Officer for purposes of securing attestation of import and export certificate.

- 1-A. Application to any Civil Court that records may be called for from another Court.

When the Court grants the application and is of opinion that the [Two rupees in addition to any fee leviable on the

	transmission involves the use of post.	application under clauses (a)&(b) of Art. 1 to this Schedule.] [Substituted by Act VII of 2000, Section 5.] [Rs. 1.50] [Substituted by Act VII of 2000, Section 5.] [Rs.3.00]
2.	Application for leave to sue as a pauper.	... [Substituted by Act VII of 2000, Section 5.] [Rs.3.00]
3.	Application for leave to appeal as pauper. (a)-	When presented to a lower Court. [Substituted by Act VII of 2000, Section 5.]
		[Rs.5.00]
(b)-	When presented a District Court or the High Court or the Revenue Minister.	[Substituted by Act VII of 2000, Section 5.]
4.	Omitted.	
5.	Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.	... [Rs.3.00] [Substituted by Act VII of 2000, Section 5.]
6.	Bail-bond or other instrument of obligation given in the absence of any other provision in this Act.	... [Rs.3.00] [Substituted by Act VII of 2000, Section 5.]
7.	Omitted.	
8.	Omitted.	
9.	Omitted.	
10.	Mukhtarnama or Wakalatnama or any paper signed by an Advocate signifying or intimating that he is retained for a party.	When presented for the conduct of any one case.
(a)-	to the Government, the High Court or a Minister.	[Rs.5.00] [Substituted by Act VII of 2000, Section 5.]

- [Rs.3.00]  
[Substituted by  
Act VII of  
2000, Section  
5.]
- (b)- to the District or Sessions  
Court.
- [Rs.3.00]  
[Substituted by  
Act VII of  
2000, Section  
5.]
- (c)- to any other Civil, Criminal or  
Revenue Court or Revenue  
Office.
11. Memorandum of appeal when  
the appeal is not from a decree  
or an order having the force of  
a decree and is presented. (a)- to the Government or the  
High Court or a Minister. [Rs. 12.00]  
[Substituted by Act  
VII of 2000,  
Section 5.]
- [Rs.3.00]  
[Substituted by  
Act VII of  
2000, Section  
5.]
- (b)- to the District or Sessions  
Court.
- [Rs.3.00]  
[Substituted by  
Act VII of  
2000, Section  
5.]
- (c)- to any other Civil or Revenue  
Court or Revenue Office.
12. Omitted.
13. Omitted.
14. Omitted.
15. Omitted.
16. Omitted.
17. Complaint of memorandum of  
appeal in each of the following  
suits:-
- (a) to alter or set aside a  
summary decision or order of  
a Civil Court; ... [Rs.25.00]  
[Substituted by Act  
VII of 2000,  
Section 5.]
- (b) to alter or set aside a  
summary decision or order of  
a Revenue Court not  
otherwise provided for. [Rs.5.00]  
[Substituted by Act  
VII of 2000,  
Section 5.]
- (ii) to alter or cancel any entry in  
a register of the names of [Rs.25.00]  
[Substituted by Act



	proprietors of revenue paying estimates;	VII of 2000, Section 5.]
	to obtain a declaratory decree	[Rs.25.00]
(iii)	where noconsequential relief is prayed;	[Substituted by Act VII of 2000, Section 5.]
		[Rs.25.00]
(iv)	to set aside an award;	[Substituted by Act VII of 2000, Section 5.]
		[Rs.25.00]
(v)	to set aside an adoption;	[Substituted by Act VII of 2000, Section 5.]
	every other suit where it is not possible to estimate at a money value the subject matter in dispute and which is not otherwise provided for by this Act;	[Rs.25.00]
(vi)		[Substituted by Act VII of 2000, Section 5.]
	an appeal from a preliminary decree passed under rules 13,15,16 or 18(b) of Order XX of the Code of Civil Procedure.	[Rs.25.00]
(vii)		[Substituted by Act VII of 2000, Section 5.]
		[Rs.25.00]
18.	Application under Schedule II, Para 17, of the Code of Civil Procedure.	[Substituted by Act VII of 2000, Section 5.]
		[Rs.25.00]
19.	Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1977.	[Substituted by Act VII of 2000, Section 5.]
20.	Omitted.	
21.	Plaint or memorandum of appeal in a suit for restitution of conjugal rights or custody of a wife.	[Rs. 13.00]
		[Substituted by Act VII of 2000, Section 5.]
22.	Plaint or memorandum of appeal in a suit by a reversioner under the Customary Law for a declaration in respect of an	[Rs.50.00]
		[Substituted by Act VII of 2000, Section 5.]

alienation of ancestral land.

### III

[See Section 191]Form of Valuation (To be Used with such modifications, if any, as may be necessary)In the court of

Reprobate of the will of the property and credits of,) (or admission of deceased.

I \_\_\_\_\_ | [Solemnly affirm.][make oath,]

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

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

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

Annexure AValuation of The Movable and Immovable Property of Deceased

Rs. P

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

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

Property in Government securities transferable at the Public Debt Office.

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

Immovable property consisting of

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

Leasehold property \* \* \* \* \*

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

Property in public companies,

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

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

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

Book debts	....
(Other than bad)	....
Stock in trade	....
(State the estimated value, if any)	....
Other property not comprised under the foregoing heads	....
(State the estimated value, if any)	....
Total	....
Deduct amount shown in Annexure B not subject to duty	....
Net Total	....
Annexure B	

## of Debts, etc.

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