

A.P. Advocates' Fee Rules, 2010

ANDHRA PRADESH

India

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Rule A-P-ADVOCATES-FEE-RULES-2010 of 2010

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A.P. Advocates' Fee Rules, 2010 Published vide ROC No. 1004/SO/2007AP02 In exercise of the powers conferred by Article 227 of the Constitution of India and Section 34(1A) of the Advocates Act, 1961 the High Court of Andhra Pradesh makes the following :Rules

1. These rules may be called the Advocates' Fee Rules, 2010.

2.

These Rules shall govern the fees payable as costs by any party in respect of the fees of his adversary's Advocate, upon all proceedings in the High Court or any Court subordinate thereto.

3.

In these Rules unless the context otherwise requires : (i) "Advocate" includes a Pleader authorised to practice in Courts within the meaning of Advocates Act; (ii) "District Court" means and includes the highest Court in the district and any other Court equivalent to such Court within the meaning of the Civil Courts Act and includes the Courts of the Chief Judge, Additional Chief Judge of the City Civil Court and the Chief Judge and the Additional Chief Judge of the City Small Causes Court within the City of Hyderabad; (iii) "Senior Civil Judge Court" includes the Courts of the Additional Senior Civil Judge in the districts and in the City of Hyderabad includes the Courts of the Additional Judges, City Small Causes Court; (iv) "Civil Judge (Junior Division) Court" includes the Courts of the Additional Civil Judge (Junior Division) in the district and Assistant Judges in the City Civil Court. Part-I Subordinate Courts In Small Cause Suits

4.

In all suits triable by Court of Small Causes, the fee shall be 10% of the amount claimed subject to a minimum of Rs. 300/- In Original Suits

5.

In all money suits, the fee shall be calculated at the rate of 10% of the claim involved in such suits when it does not exceed Rs. 10,000/-.

6.

1n. all such suits, referred to above when the claim involved exceeds Rs. 10,000/-, the fee payable shall be calculated at the rate of 10% of the claim involved on the first Rs. 10,000/- and on the next 10,000/- at the rate of 7% and when the claim exceeds Rs. 20,000/- as above and on the next Rs. 30,000/- at the rate of 5% and on the balance at the rate of 3% of the claim on the balance:

Provided, however, that in all suits which are tried in batches of four suits or more and where evidence is recorded is common and the suits are disposed of by a common judgment, the fee payable shall be 1/3rd of the fee admissible under this rule in each suit.

7.

In all suits where any declaration of title to any property is involved along with any other consequential relief such as possession or injunction, the fee shall be fixed at the rate 10% of the total value of the property taken as the value for the purpose of Court Fee and Suits Valuation Act, 1956 or any such Act for the time being in force, subject to a minimum of Rs. 2,000/- in the Court of Civil Judges (Junior Division) and a minimum of Rs. 4,000/- in other Courts subject to a maximum of Rs. 1,50,000/-.

8.

In all suits for recovery of movable property or its value and in all suits for maintenance and annuities, the fee payable shall be fixed in the same manner as in the suits for money subject to a minimum of Rs. 1,000/-.

9.

In all suits for bare injunction, the fee shall be fixed as in money suits subject to a minimum of Rs. 3,000/-

10.

In all suits for enforcement of an agreement of sale or any other relief under the Specific Relief Act, 1877, the fee shall be fixed as in suits for declaration of title to immovable property mentioned in

Rule 7 and any other suit for recovery of possession under a contract of sale or otherwise or for the recovery of money under such a contract shall be treated likewise.

11.

In all suits relating to easement, whether any compensation is sought or not, the fee shall be fixed at 10% of the value of the claim mentioned in the plaint subject to a minimum of Rs. 2,000/- and, a maximum of Rs. 20,000/-

12.

All suits for recovery of money based upon accounts shall be treated as suits for the recovery of money for the purpose of these rules and the fee shall be fixed as provided for such suits herein.

13.

In all suits for dissolution of partnership and for partition of joint family properties or administration suits, fee shall be fixed by the Court at 7% of the valuation subject to a maximum of Rs. 25,000/- irrespective of the other reliefs claimed therein.

14.

In all other suits including suits relating to Trust property or property endowed and any other suit which was filed as an original petition initially but was subsequently converted into a suit as under the provisions of the Succession Act or Petitions filed for the grant of Probate of Letters of Administration, on such conversion into a suit, the fee shall be fixed at 7% of the value of the property involved or the Estate subject to a maximum of Rs. 25,000/-.

15.

In all other original petitions relating to matrimonial causes, Land Acquisition matters, claims regarding Motor Vehicle Accidents, Claims under the Arbitration Act and grant of Succession Certificate or Letter of Probate the fee shall be fixed by the Court at not less than Rs. 1,500/- and not more than Rs. 25,000/- at its discretion subject to the provision of Rule 18 below.

16.

In all the above matters where the suit claims or petitions including original petitions mentioned above are settled out of Court or adjusted at any time before the judgment is pronounced or otherwise disposed of without contest, half of the fee shall be allowed.

17.

All suits or other proceedings of a substantive nature which are dismissed for default shall be treated as money suits and the Court shall fix the fee payable to the other party at half the fee payable on contest.

18.

In all original petitions whether it is matrimonial cause, or under the Succession Act or a claim under the Land Acquisition Act or under the Arbitration Act, if the said proceeding or petition is not contested, half of the fee payable otherwise shall be paid as fee under these rules.

19.

Whenever any suit is re-heard on review, the successful party shall be entitled to half of the fee taxable according to these rules in such suit and the same shall apply to any original petition named above.

20.

In all appeals against any judgment, order or decree filed in any District Court, the fee shall be fixed in the same manner as in the trial Court as provided above. For the purpose of this rule, in a civil miscellaneous appeal, fee shall be calculated as in Rule 22 below.

21.

In all execution petitions filed for the first time, the Court shall fix a fee which is $\frac{1}{2}$ of the fee allowed in the suit or proceeding as the case may be under the above rules in case of contest and $\frac{1}{4}$ th in cases where there is no contest.

22.

In all interlocutory applications filed in any suit or other proceedings including petitions filed by third parties and petitions for withdrawal of money deposited in Court either by any party to the suit or proceeding or by third party who is entitled to such withdrawal (including the Income-tax Department) the Court shall fix a fee of not less than Rs. 250/- subject to a maximum of Rs. 3,000/-.

23.

In the following special cases the fee shall be as noted below: (a)(i) In Inter-pleader suits the fee to be given to the advocate for original plaintiff shall be one-fourth of the fee prescribed under Rule 5, subject to a maximum of Rs. 1,500/-(ii) In suits under Order XXXVI and XXXVII of the First

Schedule to the Code of Civil Procedure where leave to defend has not been granted the fee shall be half the fee prescribed under Rule 5, subject to a maximum of Rs. 1,500/-. (b)(i) In declaratory suit where the subject-matter in respect of which relief claimed is capable of valuation, the fee shall be according to the scale prescribed in Rule (5), where it is not so capable of valuation, the Court shall fix a fee subject to a minimum of Rs. 1,500/- in the Court of Civil Judges (Junior Division) and a maximum of Rs. 3,000/- and Rs. 2,000/- as the minimum and Rs. 5,000/- in a Court of Senior Civil Judge or District Court.

24.

In suit under Section 77 of the Indian Registration Act, the Court shall at its discretion fix a fee having or regard to the time taken in the case a minimum of Rs. 1,000/- and a maximum of Rs. 3,000/-.

25.

In all proceedings under the Insolvency Act, if the proceedings are contested, the fee shall be fixed not at less than Rs. 1,500/- and in case there is no contest the Court shall fix a fee of Rs. 750/-.

26.

In all applications under the Andhra Pradesh Buildings (L.R.&E) Control Act, and the appeals arising from any order thereupon, the fee shall be fixed at not less than Rs. 2,000/- and not more than Rs. 5,000/-.

27.

In all election petitions, filed in Subordinate Court under any Act, the fee shall be fixed at not less than Rs. 2,000/- and not more than Rs. 10,000/-.

28.

In all suits not otherwise provided for and of whatever nature, the Court shall fix a fee of not less than Rs. 1,000/- and not more than Rs. 5,000/-.

29.

In all other cases the Court shall fix a fees of not less than Rs. 1,000/- and not more than Rs. 5,000/-

30.

In all other proceedings under any Act and in any suit when any sum is claimed as damages, the Court shall fix the fee as in a money suit.

31.

In all cases where the value of the claim exceeds Rs. 5,000/- and in all cases where an Advocate with standing of more than 15 years at the Bar is assisted by a Junior Advocate appealing along with him from the stage of pleadings, an additional fee calculated at 1/3rd of the fee allowable according to these Rules shall be fixed by the Court.

32.

Where any suit is remanded on appeal and heard afresh in a Court subordinate to the High Court, half of the fee prescribed under these rules for the suit of the said nature shall be fixed.

33.

The Court of Civil Judge (Junior Division) or any Court of equivalent rank may grant adjournment on such terms as to costs not exceeding Rs. 200/- on any one occasion :

34.

The Court of the Senior Civil Judge or any Court of equivalent rank may grant adjournment subject to such terms as it may think fit regarding costs not exceeding Rs. 300/- on any one occasion.

35.

The Court of the District Judge or any Court of equivalent rank may grant adjournment on such terms as it thinks fit regarding costs which shall not exceed Rs. 500/- on any one occasion.

36.

In all matters tried by the Family Court under the Family Courts Act, no fee shall be fixed, provided however, that the Court may if it is of the opinion that any party had been put to great hardship before or during the pendency of the proceedings, direct the other party to pay costs of not less than Rs. 1,000/- and not more than Rs. 5,000/- depending upon its discretion. Part-II High Court

37.

The Rules framed as under shall regulate the fee payable to the Advocates appearing in the High Court of Andhra Pradesh.

38.

In all appeals arising out of suits for money or any other suit or other proceedings decided by a Court subordinate to the High Court (including appeals under Clause 15 of the Letters Patent) the fee shall be fixed at the same rate as in the trial Court.

39.

The fee shall be fixed at half the amount if the appeal is un-contested at the time of the hearing or if the appeal is withdrawn before or during the hearing thereof or if the appeal is disposed of as in-fructuous, in all cases where costs are granted.

40.

In all civil miscellaneous appeals filed in the High Court, the fee shall be fixed as in the lower Court in the proceedings from out of which such civil miscellaneous appeals arise.

41.

In all civil miscellaneous petitions in the appeal or other proceedings the Court shall fix the fee payable to the successful party at a minimum of Rs. 500/- whenever costs are directed to be paid in such petitions.

42.

Whenever a Counsel of more than 15 years standing at the Bar is assisted by a Junior Counsel from the time when appearance is entered, an additional fee amounting to 1/3rd of the fee payable to the Senior Counsel shall be fixed by the Court subject to a minimum of Rs. 1,000/-.

43.

In all petitions under Articles 226 and 227 of the Constitution of India and in all appeals arising therefrom under Clause 15 of the Letters Patent, the Court shall fix such fees as it considers to be just and proper and irrespective of whether the petition or appeal as the case may be, is allowed, dismissed or disposed of.

44.

For the purpose of these rules, whether relating to the fee to be fixed in the Courts subordinate to High Court, or in the High Court, the amount of valuation of the claim shall be as set out in the plaint or Memorandum of Appeal or Cross Objections and in applications under Articles 226 and 227 of the Constitution of India, it shall not be necessary to set forth such valuation.

45.

In all election petitions, filed in the High Court, fee shall be fixed at not less than Rs. 10,000/- for each contesting respondent.

46.

In all civil revision petitions and second appeals, fee shall be at not less than Rs. 1,000/-.

47.

In all proceedings not otherwise provided for, the costs shall be at the discretion of the Court.

48.

The fee payable in all cases shall be rounded off to the nearest ten rupees, four rupees or less being neglected and five rupees or more being shown as ten rupees.

49.

The Court shall order separate sets of fee only in cases where the parties advance or succeed on substantially independent grounds separate and specific to the party succeeding thereupon and only to the extent of the value of the property or the amount covered thereby provided, however, the Court shall be at liberty to apportion amongst the parties the fee payable in case of each contesting party whenever it is considered desirable and in all such cases it shall not be necessary that the total amount of fee so granted may or may not aggregate to the fee payable if the matter had been decided as if one set of fee was to be fixed.

50.

In matters not provided for herein, the fee payable shall be in the discretion of the High Court and nothing in these shall be deemed to reduce the jurisdiction of the High Court to grant exemplary costs.

51.

Every Advocate shall produce a certificate that he has received the fee claimed in the suit or appeal within two weeks from the date of the judgment.

52.

The rules relating to the fee payable in the High Court shall be deemed to be the fee payable according to the Appellate Side Rules of the High Court of Judicature, Andhra Pradesh.

53.

In all original side matters and Company Petitions and Applications and any other matters which may be brought up and tried, by the High Court as a suit, the fee shall be not less than the fee prescribed for a suit of similar nature in the trial Court and in all company petitions or other applications, the fee shall be not less than Rs. 5,000/- and not more than Rs. 25,000/-.

54.

The Advocates' Fee Rules, 1990 are hereby repealed.