

The Bihar and Orissa Court-fees (Amendment) Act, 1922

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The Bihar and Orissa Court-fees (Amendment) Act, 1922

Act 2 of 1922

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The Bihar and Orissa Court-fees (Amendment) Act, 1922 Bihar and Orissa Act 2 of 1922 [Dated 21st August, 1922] An Act to amend the Court-fees Act, 1870 Whereas it is expedient to amend the Court-fees Act, 1870 in its application to the Province of Bihar [and Orissa] in the manner hereinafter appearing; It is hereby enacted as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Bihar and Orissa Court-fees (Amendment) Act, 1922. (2) It extends to the whole of Bihar [and Orissa] including the Santhal Parganas. (3) It shall come into force on the twenty-fourth day of August, 1922.

2. Amendment of Section 4.

- In paragraph 3 of Section 4 of the Court-fees Act, 1870 as amended by subsequent legislation and hereinafter called the Principal Act, for the word "two" shall be substituted the word "one".

3. Amendment of Section 7.

- In clause (a) of Section 7(v) of the Principal Act, for the word "ten" shall be substituted the word "twenty" and in clause (b) of the said section for the word "five" shall be substituted the word "ten".

4. Amendment of Section 17.

- In Section 17 of the Principal Act, after the words "of appeal" in both places where they occur the words "or of cross-objection" shall be inserted.

5. Amendment of Section 18.

- In Section 18 of the Principal Act, for the words "a fee of eight annas" the words "a fee of twelve annas" shall be substituted.

6. Amendment of Section 19.

- In item (viii) of Section 19 of the Principal Act, for the words "one thousand rupees" the words "two thousand rupees" shall be substituted.

7. Amendment of Article 1 of Schedule I.

- In Article 1 of Schedule I of the Principal Act, for the entry in the first column the following entry shall be substituted, namely:-(1)Plaint, written statement, pleading, a set-off or counter-claim or memorandum of appeal or of cross-objection, not otherwise provided for in this Act, presented to any Civil or Revenue Court except those mentioned in Section 3;(2)For the "proper fees" set out in the third column of the said Schedule I and shown opposite Article 1 in Schedule A of this Act, the "proper fees" shown against them in the second column of the said Schedule "A" shall be substituted;(3)The proviso in Article 1 of the said Schedule I shall be omitted.

8. Amendment of Articles 6, 7, 8 and 9 of Schedule I.

- For the "proper fees" set out in Schedule I of the Principal Act for Articles 6, 7, 8 and 9 and shown in Schedule A of this Act, the "proper fees" shown against them in the second column of the said Schedule A shall be substituted.

9. Amendment of Article 11 of Schedule I.

- For the entries above the proviso in the second column and for the entries in the third column, in Article 11 of Schedule I of the Principal Act, the following shall be substituted, namely:-

"When the amount or value of the property in respect of which the grant of Probate or Letters is made exceeds two thousand rupees, on such amount or value up to ten thousand rupees,	Two percentum.
and	
where such amount or value exceeds ten thousand rupees, on the portion of such amount or value which is in excess of ten thousand rupees up to fifty thousand rupees,	Three percentum.
and	
when such amount or value exceeds fifty thousand rupees, on the portion of such amount or value which is in excess of fifty thousand rupees up to one lakh of rupees,	Four percentum.
and	

when such amount or value exceeds a lakh of rupees, on the portion of such amount or value which is in excess of one lakh of rupees." Five percentum.

10. Amendment of Article 12 of Schedule I.

- For the entry in the second column of Article 12 of Schedule I of the Principal Act, and for the first paragraph in the third column of the said Article, the following shall be substituted, namely:-

"When the amount or value of any debt or security specified in the certificate under Section 8 of the Act, exceeds one thousand rupees on such amount or value up to ten thousand rupees, and	Two percentum, and on the amount or value of any debt or security to which the certificate is extended under Section 10 of the Act, three percentum.
when such amount or value exceeds ten thousand rupees, on the portion of such amount or value which is in excess of ten thousand rupees up to fifty thousand rupees, and	Three percentum, and on the amount or value of any debt or security to which the certificate is extended under Section 10 of the Act, four-and-a-half percentum.
when such amount or value exceeds fifty thousand rupees, on the portion of such amount or value which is in excess of fifty thousand rupees up to one lakh of rupees. and	Four percentum, and on the amount or value of any debt or security to which the certificate is extended under Section 10 of the Act, six percentum.
when such amount or value exceeds a lakh of rupees, on the portion of such amount or value which is in excess of one lakh of rupees.	Five percentum, and on the amount or value of any debt or security to which the certificate is extended under Section 10 of the Act, seven-and-a-half per centum."

11. Amendment of table of rates in Schedule I.

- For the table of rates of ad valorem fees annexed to Schedule I of the Principal Act, the table set forth in Schedule B of this Act, shall be substituted.

12. Amendment of Schedule II.

(1) In the first column of the said Schedule II after the words "memorandum of appeal" in Articles 5, 11, 17, 20 and 21 the words "or of cross-objection" shall be inserted. (2) For the "proper fees" set out in the said Schedule II, and shown in Schedule C of this Act, the "proper fees" shown against them in the second column of the said Schedule C shall be substituted.

13. Exemption of certain Probates, Letters of Administration and certificates.

- Nothing in this Act, shall apply to any Probate, Letters of Administration or certificate under the Succession Certificate Act, 1889 in respect of which the fee payable under the law for the time being

in force has been paid prior to the commencement of this Act, but which have not issued.

A

Proper fees set out in Schedule I of the Principal Act	Proper fees to be substituted	
	Twelve annas	... One rupee
	Five rupees	... Seven rupees and eight annas
	Ten rupees	... Fifteen rupees
Article 1	... Fifteen rupees	... Twenty-two rupees and eight annas
	Twenty rupees	... Thirty rupees
	Twenty rupees	... Thirty rupees
	Twenty-five rupees	... Thirty-seven rupees and eight annas
	Four annas	... Six annas
Article 6	... Eight annas	... Twelve annas
	One rupee	... One rupee and eight annas
	Eight annas	... Twelve annas
Article 7	... One rupee	... One rupee and eight annas
	Four rupees	... Six rupees
Article 8	The amount of the duty ... chargeable on the original	One-and-a-half times the amount of ... the duty chargeable on the original
Eight annas	... Twelve annas	
Article 9	... Eight annas	... Twelve annas

B

Table of Rates of ad valorem fees leviable on the institution of suits

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee	
Rs.	Rs.	Rs.	a. p.
-	5	0	6 0
5	10	0	12 0
10	15	1	2 0
15	20	1	8 0
20	25	1	14 0
25	30	2	4 0
30	35	2	10 0
35	40	3	0 0

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40	45	3	6 0
45	50	3	12 0
50	55	4	2 0
55	60	4	8 0
60	65	4	14 0
65	70	5	4 0
70	75	5	10 0
75	80	6	0 0
80	85	6	6 0
85	90	6	12 0
90	95	7	2 0
95	100	7	8 0
100	110	8	8 0
110	120	9	8 0
120	130	10	8 0
130	140	11	8 0
140	150	12	8 0
150	160	13	8 0
160	170	14	8 0
170	180	15	8 0
180	190	16	8 0
190	200	17	8 0
200	210	18	8 0
210	220	19	8 0
220	230	20	8 0
230	240	21	8 0
240	250	22	8 0
250	260	23	8 0
260	270	24	8 0
270	280	25	8 0
280	290	26	8 0
290	300	27	8 0
300	310	28	8 0
310	320	29	8 0
320	330	30	8 0
330	340	31	8 0
340	350	32	8 0

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350	360	33	8 0
360	370	34	8 0
370	380	35	8 0
380	390	36	8 0
390	400	37	8 0
400	410	38	8 0
410	420	39	8 0
420	430	40	8 0
430	440	41	8 0
440	450	42	8 0
450	460	43	8 0
460	470	44	8 0
470	480	45	8 0
480	490	46	8 0
490	500	47	8 0
500	510	48	8 0
510	520	49	8 0
520	530	50	8 0
530	540	51	8 0
540	550	52	8 0
550	560	53	8 0
560	570	54	8 0
570	580	55	8 0
580	590	56	8 0
590	600	57	8 0
600	610	58	8 0
610	620	59	8 0
620	630	60	8 0
630	640	61	8 0
640	650	62	8 0
650	660	63	8 0
660	670	64	8 0
670	680	65	8 0
680	690	66	8 0
690	700	67	8 0
700	710	68	8 0
710	720	69	8 0

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720	730	70	8 0
730	740	71	8 0
740	750	72	8 0
750	760	73	8 0
760	770	74	8 0
770	780	75	8 0
780	790	76	8 0
790	800	77	8 0
800	810	78	8 0
810	820	79	8 0
820	830	80	8 0
830	840	81	8 0
840	850	82	8 0
850	860	83	8 0
860	870	84	8 0
870	880	85	8 0
880	890	86	8 0
890	900	87	8 0
900	910	88	8 0
910	920	89	8 0
920	930	90	8 0
930	940	91	8 0
940	950	92	9 0
950	960	93	8 0
960	970	94	8 0
970	980	95	8 0
980	990	96	8 0
990	1000	97	8 0
1000	1100	105	8 0
1100	1200	112	8 0
1200	1300	120	8 0
1300	1400	127	8 0
1400	1500	135	0 0
1500	1600	142	8 0
1600	1700	150	0 0
1700	1800	157	8 0
1800	1900	165	0 0

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1900	2000	172	8 0
2000	2100	180	0 0
2100	2200	187	8 0
2200	2300	195	0 0
2300	2400	202	8 0
2400	2500	210	0 0
2500	2600	217	8 0
2600	2700	225	0 0
2700	2800	232	8 0
2800	2900	240	0 0
2900	3000	247	8 0
3000	3100	255	0 0
3100	3200	262	8 0
3200	3300	270	0 0
3300	3400	277	8 0
3400	3500	285	0 0
3500	3600	292	8 0
3600	3700	300	0 0
3700	3800	307	8 0
3800	3900	315	8 0
3900	4000	322	0 0
4000	4100	330	0 0
4100	4200	337	8 0
4200	4300	345	0 0
4300	4400	352	8 0
4400	4500	360	0 0
4500	4600	367	8 0
4600	4700	375	0 0
4700	4800	382	8 0
4800	4900	390	0 0
4900	5000	397	8 0
5000	5250	412	8 0
5250	5500	427	8 0
5500	5750	442	8 0
5750	6000	357	8 0
6000	6250	472	8 0
6250	6500	487	8 0

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6500	6750	502	8 0
6750	7000	517	8 0
7000	7250	532	8 0
7250	7500	547	8 0
7500	7750	562	8 0
7750	8000	577	8 0
8000	8250	592	8 0
8250	8500	607	8 0
8500	8750	622	8 0
8750	9000	687	8 0
9000	9200	652	8 0
9250	9500	667	8 0
9500	9750	682	8 0
9750	10000	697	8 0
10000	10500	720	0 0
10500	11000	742	8 0
11000	11500	765	0 0
11500	12000	787	8 0
12000	12500	810	0 0
12500	13000	832	8 0
13000	13500	855	0 0
13500	14000	877	8 0
14000	14500	900	0 0
14500	15000	922	8 0
15000	15500	945	0 0
15500	16000	967	8 0
16000	16500	990	0 0
16500	17000	1012	8 0
17000	17500	1035	0 0
17500	18000	1057	8 0
18000	18500	1080	0 0
18500	19000	1102	8 0
19000	19500	1125	0 0
19500	20000	1147	8 0
20000	21000	11,77	8 0
21000	22000	1207	8 0
22000	23000	1237	8 0

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23000	24000	1267	8 0
24000	25000	1297	8 0
25000	26000	1327	8 0
26000	27000	1357	8 0
27000	28	1387	8 0
28000	29000	1417	8 0
29000	30000	1447	8 0
30000	32000	1477	8 0
32000	34000	1507	8 0
34000	36000	1537	8 0
36000	38000	1567	8 0
38000	40000	1597	8 0
40000	42000	1627	8 0
42000	44000	1657	8 0
44000	46000	1687	8 0
46000	48000	1717	8 0
48000	50000	1747	8 0
50000	55000	1785	0 0
55000	60000	1822	8 0
60000	65000	1860	0 0
65000	70000	1897	0 0
70000	75000	1935	0 0
75000	80000	1972	8 0
80000	85000	2010	0 0
85000	90000	2047	8 0
90000	95000	2085	0 0
95000	1,00,000	2122	8 0
1,00,000	1,05,000	2160	0 0
1,05,000	1,10,000	2197	8 0
1,10,000	1,15,000	2285	0 0
1,15,000	1,20,000	2272	8 0
1,20,000	1,25,000	2310	0 0
1,25,000	1,30,000	2347	8 0
1,30,000	1,35,000	2385	0 0
1,35,000	1,40,000	2422	8 0
1,40,000	1,45,000	2460	0 0
1,45,000	1,50,000	2497	8 0

1,50,000	1,55,000	2535	0 0
1,55,000	1,60,000	2572	8 0
1,60,000	1,65,000	2610	0 0
1,65,000	1,70,000	2617	8 0
1,70,000	1,75,000	2685	0 0
1,75,000	1,80,000	2722	8 0
1,80,000	1,85,000	2760	0 0
1,85,000	1,90,000	2797	8 0
1,90,000	1,95,000	2135	0 0
1,95,000	2,00,000	2172	8 0
2,00,000	2,05,000	2910	0 0

and the fee increases at the rate of thirty-seven rupees eight annas for every five thousand rupees or part thereof, for example, when the amount or value of the subject-matter exceeds-

Rs.	Rs.
3,00,000 3660
4,00,000 4410
5,00,000 5160
6,00,000 5910
7,00,000 6660
8,00,000 7410
9,00,000 8160
10,00,000 8910
11,00,000 9660

C

[See Section 12(4) of the Bihar and Orissa Court-fees (Amendment) Act, 1922.]

Proper fees set out in Schedule II of the Principal Act	Proper fee to be substituted
One anna	... Two annas.
Eight annas	... Twelve annas.
Article 1... One rupee	... One rupee and eight annas.
Two rupees	... Three rupees.
Article 1-A... Twelve annas in addition to any fee levied on the application under clause (a), clause (b) or clause (d) of Article	... One rupee in addition to any fee levied on the application under clause (a), clause (b) or clause (d) of Article 1 of this Schedule.

1 of theSchedule.

	Eight annas	...	One rupee.
Article 10...	One rupee	...	Two rupees.
	Two rupees	...	Three rupees.
	Eight annas	...	One rupee.
Article 11...	Two rupees	...	Four rupees.
Article 12...	Five rupees	...	Ten rupees.
Article 14...	Five rupees	...	Ten rupees.
Articles 17,18 & 19...	Ten rupees	...	Fifteen rupees.
Articles 20 & 21...	Twenty rupees	...	Thirty rupees.