

The Court Fees Act, 1870

UTTAR PRADESH

India

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Act 7 of 1870

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Chapter I Preliminary

1. Short title, extent and commencement of Act.

- This Act may be called the Court Fees Act, 1870.It extends to the whole of India except [the territories which immediately before the 1st November, 1956 were comprised in Part B States.] [Substituted by A.O., 1956 for Part B States.]And it shall comes into force on the first day of April, 1870.

1A. Definition of "Appropriate Government".

- In this Act "the appropriate Government" means in relation to fees or stamps relating to documents presented or to be presented before any officer serving under the Central Government, that Government and in relation to any other fees or stamps, the State Government.

2. Definitions.

- In this Act unless there is anything repugnant in the subject or context,-(i)"Appeal" includes a cross-objection ;(ii)"Collector" includes any officer, not below the rank of a Deputy Collector, appointed by the Collector, with the previous sanction of the Chief Controlling Revenue Authority, to perform the functions of a Collector under this Act;(iii)"Revenue" means land revenue, as recorded in the Collector's register, and does not include cesses of any kind ;(iv)"Suit" includes a first or second appeal from a decree in a suit and also a Letters Patent Appeal.

Chapter II

Fees in the High Courts and in the Courts of Small Causes at Presidency Towns

3. Levy of fees in High Courts on their original sides.

- The fees payable for the time being to the clerks and officers (other than the sherifs and attorneys) of High Courts other than those of Kerala, Mysore and Rajasthan ;or chargeable in each of such Courts under No. 11 of the First and Nos. 7, 12, 14, 20 and 21 of the Second Schedule to this Act annexed ;Levy of fees in Presidency Small Cause Courts. - And the fees for the time being chargeable in the Courts of Small Causes at the Presidency towns, and their several officers, shall be collected in manner hereinafter appearing.

4. Fees on document filed, etc., in High Courts in their ordinary or extraordinary jurisdiction.

- No document of any of the kinds specified in the first or second schedule to this Act annexed, as chargeable with fees, shall be filed, exhibited or recorded in, or shall be received or furnished by [the High Court of Judicature at Allahabad] [Substituted by U.P. Act No. 10 of 1959, Section 3(1).] in any case coming before such Court in exercise of its [ordinary or] [Inserted by U.P. Act No. 10 of 1959, Section 3(2).] extraordinary original civil jurisdiction ;or in the exercise of its [ordinary or] [Inserted by U.P. Act No. 10 of 1959, Section 3(2).] extraordinary original criminal jurisdiction;In their appellate jurisdiction. - or in the exercise of its jurisdiction as regards appeals from the [judgements (other than judgements passed in the exercise of the ordinary Original Civil Jurisdiction of the Court) of one] [Substituted for the words 'judgement of two' by Section 2 of Act No. 19 of 1922.] or more Judges of the said Court, or of a division Court;or in the exercise of its jurisdiction as regards appeals from the Courts subject to its superintendence;As Court of reference and revision. - or in the exercise of its jurisdiction as a Court of reference or revision ;In the exercise of jurisdiction to issue writs, etc. - or in the exercise of its jurisdiction to issue directions, orders or writs under the Constitution of India ;In the exercise of any other jurisdiction. - or in the exercise of jurisdiction in any other matters ;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.Explanation. - Where the amount of fee prescribed in the Schedule contains any fraction of a rupee below [twenty-five naye paise] [Substituted by U.P. Act No. 20 of 1958, Section 2.] or above [twenty-five naye paise] [Substituted by U.P. Act No. 20 of 1958, Section 2.] but below [fifty naye paise] [Substituted by U.P. Act No. 20 of 1958, Section 2.] or above [fifty naye paise] [Substituted by U.P. Act No. 20 of 1958, Section 2.] but below [seventy-five naye paise] [Substituted by U.P. Act No. 20 of 1958, Section 2.] or above [seventy-five naye paise] [Substituted by U.P. Act No. 20 of 1958, Section 2.] but below one rupee, the proper fee shall be an amount rounded off to the next higher quarter of a rupee as hereinafter appearing in the said Schedules.

5. Procedure in case of difference as to necessity or amount of fee.

- When any difference arises between the officer whose duty it is to see that any fee is paid under this Chapter and any suit or attorney, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in any of the said High Courts, be referred to the taxing officer whose decision thereon shall be final, except when the question is, in his opinion one of general importance in which case he shall refer it to the final decision of the Chief Justice of such High Court, or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf. When any such difference arises in any of the said Courts of Small Causes, the question shall be referred to the clerk of the Courts, whose, decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of first Judge of such Court. The Chief Justice shall declare who shall be taxing-officer within the meaning of the first paragraph of this section.

Chapter III

Fees in other Courts and in Public Offices

6. Fees on documents filed etc., in Mufassil Courts or in Public Office.

(1) Except in the Courts hereinbefore mentioned, no document of any kinds specified as chargeable in the first or second Schedule to this Act annexed shall be filed, exhibited or recorded in any Court of 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: Provided that where such document relates to any suit, appeal or other proceeding under [any law relating to land tenures or land revenue] [Substituted by U.P. Act No. 6 of 1980 (w.e.f. 21-11-1979).] the fee payable shall be three-quarters of the fee indicated in either of the said Schedules except where the amount or value of the subject-matter of the suit, appeal or proceeding to which it relates exceeds Rs. 500 : Provided further that the fee payable in respect of any such document as is mentioned in the foregoing proviso shall not be less than one and one-fourth of that indicated by either of the said Schedules before the first day of May, 1936. [Explanation. [Added by U. P. Act No. 25 of 1952, Section 3 (b).] - Where the amount of fee prescribed in the Schedules contain any fraction of a rupee below [twenty-five naye paise] or above [twenty-five naye paise] [Substituted by U. P. Act No. 20 of 1958.] but below [fifty naye paise] [Substituted by U. P. Act No. 20 of 1958.] or above [fifty naye paise] [Substituted by U. P. Act No. 20 of 1958.] but below [seventy-five naye paise] [Substituted by U. P. Act No. 20 of 1958.] or above [seventy-five naye paise] [Substituted by U. P. Act No. 20 of 1958.] but below one rupee, the proper fee shall be an amount rounded off to the next higher quarter of a rupee as hereinafter appearing in the said Schedules.] (2) Notwithstanding the provisions of sub-section (1), a court may receive plaint or memorandum of appeal in respect of which an insufficient fee has been paid, but no such plaint or memorandum of appeal shall be acted upon unless the plaintiff or the appellant, as the case may be, makes good the deficiency in court fee within such time as may from time to time be fixed by the court. (3) If a question of deficiency in court fee in respect of any plaint or memorandum of appeal is raised by an officer mentioned in Section 24-A the court shall, before proceeding further with the

suit or appeal, record a finding whether the court fee paid is sufficient or not. If the court finds that the court fee paid is insufficient, it shall call upon the plaintiff or the appellant, as the case may be, to make good the deficiency within such time as it may fix, and in case of default shall reject the plaint or memorandum of appeal :Provided that the Court may, for sufficient reasons to be recorded, proceed with the suit or appeal if the plaintiff or the appellant, as the case may be, gives security, to the satisfaction of the court, for payment of the deficiency in court fee within such further time as the court may allow. In no case, however, shall judgement be delivered unless the deficiency in court fee has been made good, and if the deficiency is not made good within such time as the court may from time to time allow, the court may dismiss the suit or (4) Whenever a question of the proper amount of court fee payable is raised otherwise than under sub-section (3), the court shall decide such question before proceeding with any other issue. (5) In case the deficiency in court fee is made good within the time allowed by the Court, the date of the institution of the suit or appeal shall be deemed to be the date on which the suit was filed or the appeal presented. (6) In all cases in which the report of the officer referred to in sub-section (3) is not accepted by the Court, a copy of the findings of the court together with a copy of the plaint shall forthwith be sent to the [Commissioner of Stamps] [Substituted by U.P. Act No. 6 of 1980 (w.e.f. 21-11-1979)]

6A. Appeal against order to pay court fee.

(1) Any person called upon to make good a deficiency in court fee may appeal against such order as if it were an order appealable under Section 104 of the Code of Civil Procedure. The party appealing shall file with the memorandum of appeal, a certified copy of the plaint together with that of the order appealed against. (2) In case an appeal is filed under sub-section (1), and the plaintiff does not make good the deficiency, all proceedings in the suit shall be stayed and all interim orders made, including an order granting an injunction or appointing a receiver, shall be discharged. (3) A copy of the memorandum of appeal together with a copy of the plaint and of the order appealed against shall be sent forthwith by the appellate court to the [Commissioner of Stamps] [Substituted by U.P. Act No. 6 of 1980, Sections 2(b) and 4 (w.e.f. 21.11.79), for the words 'Chief Inspectors of Stamps'.]. (4) If such order is varied or reversed in appeal, the appellate court shall if the deficiency has been made good before the appeal is decided, grant to the appellant a certificate, authorising him to receive back from the Collector such amount as is determined by the appellate court to have been paid in excess of the proper court fee. (5) The court may make such order for the payment of costs of such appeal as it deems fit. and where such costs are payable to the Government, they shall be recoverable as arrears of land revenue.

6B. Application by Chief Inspector of Stamps for revision of Court's order.

(1) If the order of the Court passed under sub-section (3) of Section 6 is at variance with the opinion of the officer by whom the question of deficiency in court fee has been raised, the [Commissioner of Stamps] [Substituted by U.P. Act No. 6 of 1980, Sections 2(b) and 4 (w.e.f. 21.11.79), for the words 'Chief Inspectors of Stamps'.] may, within three months from the date of receipt of such order, move, by an application in writing, the court to which an appeal lies from a decree in the suit or appeal in which such order has been passed, for revision of such order. (2) If such Court is of opinion that the proper court fee has not been paid on the plaint or the memorandum of appeal to

which such order relates, it shall record a declaration to that effect and determine the amount of deficiency in court fee. No appeal shall lie from such order :Provided that no such declaration shall be made until the party liable to pay the court fee has had an opportunity of being heard.(3)The court, while recording a declaration under sub-section (2), may make such order for the payment of costs as it deems fit. Where such costs are payable to the Government, they shall be recoverable in the manner laid down in sub-section (4) for the recovery of deficiency in court fee.(4)When a declaration has been recorded under sub-section (2), the court recording the same shall, unless the suit or appeal has come up in appeal before such court, in which case the deficiency in court fee shall be recovered in the manner laid down in sub-section (ii) of Section 12. send forthwith a copy of such declaration to the Court which passed the order under sub-section (3) of Section 6. Such court shall, if the suit or appeal is still pending before it, follow the procedure prescribed in sub-section (3) of Section 6. If the suit or appeal has already been disposed of, the court shall forward a copy of such declaration to the Collector who shall recover the deficiency from the party concerned as if it were an arrear of land revenue.

6C. Reference to High Court by Chief Controlling Revenue Authority.

(1)When the Chief Controlling Revenue Authority is of opinion that the court fee paid on any document filed in any civil court in a pending suit, appeal or other proceeding is insufficient, and that the question is one of general importance and no action under Section 6-B has been taken, it may refer the case, with its own opinion thereon, to the High Court to which such civil court is subordinate.(2)Every such case shall be decided by not less than two Judges of the High Court to which it is referred.(3)The High Court upon the hearing of any such case shall decide the question raised thereby and shall deliver its judgement thereon containing the ground on which the decision is founded.(4)If the High Court finds that the court fee paid was insufficient,, procedure prescribed by sub-section (4) of Section 6-B for realization of the deficiency shall be followed as if the decision of the High Court were a declaration under that section.

7. Computation of fees payable in certain suits for money.

- The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows :For money. - (i) In suits for money (including suits for damages or compensation, or arrears of maintenance, or annuities, or of other sums payable periodically)-according to the amount claimed ;For maintenance and annuities. - (ii-a) 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:Provided that in suits for personal maintenance by females and minors, such value shall be deemed to be the amount claimed to be payable for one year;For reduction or enhancement of maintenance and annuities. - (ii-b) In suits for reduction or enhancement of 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 sought to be reduced or enhanced for one year:For other movable property having a market value. - (iii) In suits for movable property other than money, where the subject-matter has a market value-according to such value at the date of presenting the plaint;For declaratory decree with consequential relief. - (iv) In suits - (a) to obtain

a declaratory decree or order, where consequential relief other than reliefs specified in sub-section (iv-A) is prayed ; and For accounts. - (b) For accounts according to the amount at which the relief sought is valued in the plaint or memorandum of appeal : Provided that in suits falling under clause (a), where the relief sought is with reference to any immovable property, such amount shall be the value of the consequential relief and if such relief is incapable of valuation, then the value of the immovable property computed in accordance with sub-section (v), (v-A) or (v-B) of this section as the case may be : [Provided further that in all suits falling under clause (a), such amount shall in no case be less than Rs. 300 :] [Inserted by U.P. Act No. 44 of 1958.] Provided [also] [Substituted by U.P. Act No. 44 of 1958.], that in suits falling under clause (b), such amount shall be the approximate sum due to the plaintiff and the said sum shall form the basis for calculating (or determining) the valuation of an appeal from a preliminary decree passed in the suit. For cancellation or adjudging void instruments and decrees. - (iv-A) In suit for or involving cancellation of or adjudging void or voidable a decree for money or other property having a market value, or an instrument securing money or other property having such value : (1) where the plaintiff or his predecessor-in-title was a party to the decree or the instrument, according to the value of the subject-matter, and (2) where he or his predecessor-in-title was not a party to the decree or instrument, according to one-fifth of the value of the subject-matter, and such value shall be deemed to be - if the whole decree or instrument is involved in the suit, the amount for which or value of the property in respect of which the decree was passed or the instrument executed, and if only a part of the decree or instrument is involved in the suit, the amount or value of the property to which such part relates. Explanation. - 'The value of the property' for the purposes of this sub-section, shall be the market-value, which in the case of immovable property shall be deemed to be the value as computed in accordance with sub-section (v), (v-A) or (v-B), as the case may be. For easement. - (iv-B) In suits. - (a) for a right to some benefit (not herein otherwise provided for) to arise out of land ; For an injunction. - (b) to obtain an injunction ; To establish an adoption. - (c) to establish an adoption or to obtain a declaration that an alleged adoption is valid ; To set aside an adoption. - (d) to set aside an adoption or to obtain a declaration that an alleged adoption is invalid or never, in fact, took place ; To set aside an award other than awards mentioned in section 8. - (e) to set aside an award not being an award mentioned in section 8 ; according to the amount at which the relief sought is valued in the plaint [Provided that such amount shall not be less than one fifth of the market value of the property involved in or effected by the relief sought or Rs. 200 whichever is greater : Provided further that in the case of suits falling under clauses (a) and (b), the amount of court fee leviable shall in no case exceed Rs. 500.] [Substituted by U.P. Act No. 44 of 1958.] Explanation 1. - When the relief sought is with reference to any immovable property the market-value of such property shall be deemed to be the value computed in accordance with sub-section (v), (v-A) or (v-B) of this section, as the case may be. Explanation 2. - In the case of suits - (i) falling under clauses (a) and (b), the property which is affected by the relief sought, and where properties of both the plaintiff and defendant are affected, the property of the plaintiff so affected ; (ii) falling under clauses (c) and (d), the property to which title by succession or otherwise may be diverted or affected by the alleged adoption ; and (iii) falling under clause (e), the property which forms the subject-matter of the award ; shall be deemed to be the property involved in or affected by the relief sought within the meaning of the proviso to this sub-section. For restitution of conjugal rights. - (iv-C) in suits - (a) for the restitution of conjugal rights ; For marital rights. - (b) for establishing or annulling or dissolving a marriage ; For guardianship. - (c) for establishing a right to

the custody or guardianship of any person such as a minor, including guardianship for the purpose of marriage. according to the amount at which the relief sought is valued in the plaint, but in no case shall such amount be less than Rs. 200. [* * *] [Explanation deleted by U. P. Act No. 44 of 1958.] For possession of lands, building or gardens. - (v) In suits for the possession of land, buildings or gardens-according to the value of the subject-matter; and such value shall be deemed to be-(I) where the subject-matter is land, and-(a) where the land forms an entire estate or a definite share of an estate paying annual revenue to Government, or forms part of such an estate, and is recorded in the Collector's register as separately assessed with such revenue and such revenue is permanently settled-thirty times the revenue so payable ;(b) where the land forms an entire estate or a definite share of an estate paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid and such revenue is settled by not permanently-ten times the revenue so payable;(c) where the lands pays no such revenue or has been partially exempted from such payment, or is charged with any fixed payment in lieu of such revenue, and net profits have arisen from the land during the three years immediately preceding the date of presenting the plaint-twenty times the annual average of such net profits ; but when no such net profits have arisen therefrom the market value which shall be determined by multiplying by twenty the annual average net profits of similar land for the three years immediately preceding the date of presenting the plaint;(d) where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and does not come under clause (a), (b) or (c) above-the market value of the land which shall be determined by multiplying by fifteen the rental value of the land, including assumed rent on proprietary cultivation, if any ;(II) where the subject-matter is a building or garden-according to the market-value of the building or garden, as the case may be. Explanation. - The word 'estate' as used in this sub-section, 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. For possession of superior proprietary and under-proprietary land. - (v-A) In suits for possession-(1) of superior proprietary rights where under-proprietary or sub-proprietary rights exist in the land-according to the market-value of the subject-matter, and such value shall be determined by multiplying by fifteen the annual net profits of the superior proprietor;(2) of under-proprietary or sub-proprietary land as such-according to the value of the subject-matter, and such value shall be determined by multiplying by ten the annual under-proprietary or sub-proprietary rent, as the case may be, recorded in the Collector's register as payable for the land for the year next before the presentation of the plaint. If no such rent is recorded in the Collector's register the value shall be determined in the manner laid down in clause (c) of sub-section (v) of this section save that the multiple will be ten. Explanation. - Land held by any permanent lessees shall be treated for the purposes of this sub-section, as under-proprietary or sub-proprietary land. Possessory suits between tenants. - (v-B) In suits for possession of land between rival tenants and by tenants against trespasser according to the value of the subject-matter and such value shall be determined if such land is the land of-(a) a permanent tenure-holder or a fixed rate tenant. - by multiplying by twenty the annual rent recorded in the Collector's register as payable for the land for the year next before the presentation of the plaint;(b) an ex-proprietary or occupancy tenant. - by multiplying by two such rent in case of suits for possession of land between rival tenants, and by annual rent in suits by tenants against trespassers ;(c) any other tenant. - by annual rent. If no such rent is recorded in the Collector's register, the value shall be determined in the manner laid down in clause (c) of sub-section (v) of

this section save that the multiple shall be that entered in clauses (a), (b) and (c) of this sub-section according as the class of tenancy affected is governed by clause (a), (b) or (c) of this sub-section. To enforce a right of preemption. - (vi) In suits to enforce a right of preemption - according to the value [computed in accordance with paragraph (v) of this section] of land, building or garden in respect of which the right is claimed. For partition. - (vi-A) In suits for partition- according to one quarter of the value of the plaintiffs share of the property; and according to the full value of such share if on the date of presenting the plaint the plaintiff is out of possession of the property of which he claims to be a coparcener or co-owner, and his claim to be a coparcener or co-owner on such date is denied. Explanation. - The value of the property for the purposes of this sub-section shall be the market-value which in the case of immovable property shall be deemed to be the value as computed in accordance with sub-section (v), (v-A) or (v-B), as the case may be. For interest of assignee of land revenue. - (vii) 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. To set aside or to restore an attachment. - (viii) In suits to set aside or to restore an attachment including suits to set aside an order passed under Order XXI, rule 60, 61 or 62 of the Code of Civil Procedure-according to half of the amount for which attachment was made, or according to half of the value of the property or interest attached, whichever is less. Explanation. - The value of the property or interest for the purposes of this sub-section shall be the market-value which in the case of immovable property or interest in such property shall be deemed to be the value as computed in accordance with sub-section (v), (v-A) or (v-B), as the case may be. To redeem. - (ix) In suits against a mortgagee, for the recovery of the property mortgaged-according to the principal money expressed to be secured by the instrument of mortgage. To foreclose. - (ix-A) In suits by mortgagee to foreclose the mortgage, or where the mortgage is made by conditional sale, to have the sale declared absolute-according to the total amount claimed by way of principal and interest. For specific performance. - (x) In suits for specific performance-(a) of a contract of sale-according to the amount of the consideration ;(b) of 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, and such value shall be the market-value which in the case of immovable property shall be deemed to be the value as computed in accordance with sub-section (v), (v-A) or (v-B), as the case may be. Between landlord and tenant. - (xi) In the following suits between landlord and tenant-(a) for the delivery by a tenant of the counterpart of a lease;(b) to enhance the rent of a tenant having a right of occupancy;(c) for the delivery by a landlord of a 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 a tenant has been illegally ejected by the landlord;(f) for abatement of rent;(g) for determination of rent; and(h) for determination of rent-according to the amount of the rent of immovable property to which the suit refers, payable for the year next before the date of presenting the plaint, except in the case of suits falling under clause (h) in which, according to twice the amount claimed by the plaintiffs to be the annual rent.

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 or against an award made by a tribunal constituted under the United Provinces Town Improvement Act or any other similar Statute 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.

- In every suit the plaintiff shall file with the plaint a statement, in such form as may be prescribed for the purpose of particulars and valuation of the subject-matter of the suit, unless such particulars and valuation are contained in the plaint itself. 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 5 and 6 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 net profits or market-value have or 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 such additional fee as would have been payable had the said market-value or net profits been rightly estimated.(ii)In such case the suit shall be stayed until the additional fee is paid. If the additional fee is not paid within such time 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 accounts, 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 a decree directs an inquiry as to mesne profits which have accrued in respect of the property during a period prior to the institution of the suit, if the profits ascertained on such inquiry exceed the profits claimed, no final decree shall be passed 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 such difference is not paid within such time as the Court shall fix, the claim for the excess shall be dismissed, unless the Court, for sufficient cause, extends the time for payment. Where a decree

directs an inquiry as to mesne profits from the institution of the suit, and a final decree is passed in accordance with the result of such inquiry, the decree shall not be executed until such fee is paid as would have been payable on the amount claimed in execution if a separate suit had been instituted therefor.

12. Decision of question 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 within such time as may be fixed by it, so much additional fee as would have been payable had the question been rightly decided. If such additional fee is not paid within the time fixed and the defaulter is the appellant, the appeal shall be dismissed, but if the defaulter is the respondent the Court shall inform the Collector who shall recover the deficiency as if it were an arrear of land revenue.

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 Section 351 of the same Code for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate authorizing 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 authorize 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 judgement.

- Where an application for review of judgement 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 authorizing 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.

- When an application for a review of judgement is admitted, and where, on the re-hearing, 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 authorizing 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). 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. [Refund of fee. [Section 16 inserted by the Code of Civil Procedure (Amendment) Act, 1999 (Act No. 46 of 1999), Section 34 (w.e.f. 1-7-2002). Earlier Section 16 was Repealed by the Code of Civil Procedure, 1908 (Act No. 5 of 1908).]

- Where the Court refers the parties to the suit to any one of the mode of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 (5 of 1908) the plaintiff shall be entitled to a certificate from the Court authorising him to receive back from the Collector, the full amount of the fee paid in respect of such plaint.]

17. Multifarious suits.

(1) In any suit in which two or more separate and distinct causes of action are joined, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees with which the plaints or memoranda of appeal would be chargeable under this Act if separate suits were instituted in respect of each such cause of action : Provided that nothing in this sub-section shall be deemed to affect any power conferred by or under the Code of Civil Procedure, to order separate trials. Alternative reliefs. - (2) When more reliefs than one based on the same cause of action are sought in the alternative the fee shall be paid according to the value of the relief in respect of which the largest fee is payable.

18. Written examinations of complainants.

- When the first or only examination of person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which 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 one rupee, unless the Court thinks fit to remit such payment.

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 a member of any of the Armed Forces of the Union not in civil employment. (ii) [Repealed by Act No. XII of 1891]. (iii) Written statement not being one mentioned in Article 2-A of Schedule I, nor one containing a counter-claim, set-off, or a prayer other than a prayer for instalments or relating to costs of the suit. (iv) [Repealed

by Act No. XIII of 1889].(v)Plaints in suits tried by Village Munsifs in the Presidency of Fort St. George.(vi)Plaints and processes in suits before District Panchayats in the same Presidency.(vii)Plaints in suits before Collectors under Madras Regulation XII of 1816.(viii)Probate of a will, letters of administration, and, save as regards debts and securities, a certificate under Bombay Regulation VIII of 1827, where the amount or value of the property in respect of which the probate or letters 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 a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land, or the ascertainment of rights thereto or interest therein, if presented previous to the final confirmation of such settlement.(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 distrain.(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, or to or before the Heads of Villages or the Village Police in the territories respectively subject to the Governors-in-Council of Madras and Bombay.(xvii)Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.(xviii)Complaint of public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a Railway Company.(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)Petition of appeal against the Chaukidari assessment under Act No. XX of 1856, or against any municipal tax.(xxii)Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.(xxiii)Petitions presented to the Special Commissioner appointed under Bengal Act No. II of 1869 (to ascertain, regulate and record certain tenures in Chota Nagpur).(xxiv)Petitions under the Indian Christian Marriage Act, 1872, Sections 45 and

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 Chief Controlling

Revenue Authority for the local area in which the probate or letters has or have been granted, 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, after deducting [ten naye paise] [Substituted by U. P. Act No. 20 of 1958. Section 3.] for each rupee or fraction thereof.

19B. Relief where debts 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 that 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 proceeding, 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 of 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 fee 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 whereto 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 probates, 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 low a court-fee thereon, the Chief Controlling Revenue Authority for the local area in which the probate or letters has or have been granted 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 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 effects 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 a 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 a High Court, the High Court shall cause the notice of the application to be given to the Chief Controlling Revenue Authority for the local area in which the High Court is situated.(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 one year from the date of the exhibition of the inventory required by Section 317 of the Indian Succession 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 authorized 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 authorized 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 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 Chief Controlling Revenue Authority of any application under Section 19-E.(8)[* * *] [Deleted by U. P. Act No. 19 of 1938.]

19I. Payment of court-fees in respect of probates and letters of administration.

- (I) 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, in the form set forth in the Third Schedule, a valuation, according to the market rates current on the date of the application of all the assets and liabilities of the deceased in India at the time of the latter's death, and the Court is satisfied that the fee mentioned in Article 11 of the First Schedule has been paid on such valuation.Explanation. - If at the time of his death, the deceased was a member of a joint Hindu family governed by the Milakshara Law. such portion of the assets and liabilities of the family as

would have been allotted to the deceased in a partition made immediately before his death, shall be deemed to be the assets and liabilities of the deceased within the meaning of this sub-section.(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 Chief Controlling Revenue Authority, be recovered from the executor or administrator as if it were an arrear of land revenue by any Collector.(2)The Chief Controlling Revenue Authority 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. Sections 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

Power to make Rules

20. Power of High Court to make rules.

- The High Court may makes rules to provide for or regulate all or any of the following matters, viz :
(a)the fees payable for serving and executing processes issued by such Court in its appellate jurisdiction, and by the Civil and Criminal Courts established within the local limits of such jurisdiction;
(b)the remuneration of persons employed by the Courts mentioned in clause (a) in the service or execution of processes;
(c)the fixing by District and Sessions Judges and District Magistrates of the number of process-servers necessary to be employed for the service and execution of processes issued from their respective Courts and Courts subordinate thereto; and
(d)the display in each Court of a table in the English and Vernacular languages showing the fees payable for the service and execution of process.All such rules shall be subject to the confirmation of the State Government and on such confirmation, shall be published in the official Gazette, and shall thereon have effect as if enacted in this Act.

21. Power of Chief Controlling Revenue Authority to make rules.

(1)The Chief Controlling Revenue Authority may, with the previous sanction of the State Government, make rules consistent with this Act, to provide for or regulate all or any of the following matters, viz:(a)the fees chargeable for serving and executing processes issued by the Chief Controlling Revenue Authority and by the Revenue Courts established within the local limits of its jurisdiction;(b)the remuneration of the persons necessary to be employed for the service and

execution of such processes;(c)the fixing by Collectors of the number of persons necessary to be employed for the service and execution of such processes;(d)the guidance of the Collectors, in exercise of the powers conferred on them by sub-section (iii) of Section 19-H;(e)the supply of stamps to be used under this Act;(f)the number of stamps to be used for denoting any fee chargeable under this Act;(g)the keeping of accounts of all stamps used under this Act;(h)the circumstances in which stamps may be held to be damaged or spoiled;(i)the circumstances in which and the manner in which, allowance for used, damaged or spoiled stamps may be made; and(j)the regulation of the sale of stamps to be used under this Act, the persons by whom alone such stamps may be sold and the duties and remuneration of such persons ;Provided that, in the case of stamps used under Section 3 in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.Powers of State Government to make rules. - (I-A) The State Government may make rules to carry out generally the purposes of this Act.Publication of rules. - (2) All rules made under this section shall be published in the official Gazette, and on such publication, shall have effect as if enacted in this Act.

22. Number of peons in district subordinate and Mufassil Small Cause Courts.

- [Repealed, by IJ.P. Act No. 19 of 1938. Section 24].

23. Number of peons in Revenue Courts.

- [Repealed by U.P. Act No. 19 of 1938, Section 24].

24. Process served under this Chapter, to be held to be process within the meaning of Code of Civil Procedure.

- [Repealed by U.P. Act No. 12 of 1891].

Chapter V

Of the mode of Levying Fees

24A. [Control of court fee and Stamp Commissioner. [Substituted by U. P Act No. 6 of 1980. Section 5 (w.e.f. 21-11-1979).]

(1)The levy of fees under this Act shall be under the general control and superintendence of the Chief Controlling Revenue Authority, who may be assisted in their supervision thereof by the Commissioner of Stamps and by as many Additional Commissioners of Stamps, Deputy Commissioners of Stamps and Assistant Commissioners of Stamps as the State Government may appoint in this behalf or by any other subordinate agency appointed for the purpose.(2)The officers and the agency referred to in sub-section (1) shall have access to all records, and shall be furnished with all such information as may be required by them for the performance of their duties under this

Act].

25. Collection of fees by stamps.

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

25A. [Payment of Court fee in cash. [Inserted by U. P. Court Fees (Payment in Cash) Act, 1975 (Act No. 9 of 1975). Section 3 (w.e.f. 31-1-1975).]

(1) Notwithstanding anything contained in Section 25 in case of temporary shortage of court-fee stamps of required denominations, the court fee due on a document not exceeding fifty rupees, may be paid in cash to such subordinate officer or clerk of the High Court or of the subordinate Court or of the authority or officer receiving the document, as may be specified by such court, authority, or officer, and such subordinate officer or clerk shall grant a receipt for the same which shall be affixed on the document concerned, and such affixation shall have the same effect, as if the court-fee of that amount has been duly paid in accordance with this Act. (2) The clerk or the officer receiving the cash in lieu of the court-fee shall deposit it as revenue from judicial stamps under the head "O-30, Stamps and Registration Fees" in the treasury or the bank, as the case may be. (3) The State Government may by general order make rules regarding the maintenance of accounts of the amount so paid in cash. (4) The rules and orders relating to punching and cancellation of court-fee stamps shall mutatis mutandis apply in relation to the receipt referred to in sub-section (1). (5) In the case of court-fee due on a document exceeding fifty rupees, it may, in like circumstances, be paid in cash into the treasury (including a sub-treasury), and on such payment the officer-in-charge of the treasury shall certify by endorsement on the document, the amount of court-fee so paid in cash, and such endorsement shall, have same effect as if the court-fee has been duly paid in accordance with this Act.]

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 Appropriate Government may, by notification in the Official Gazette from time to time direct.

27. Rules for supply, number, renewal and keeping accounts of stamps.

- [Repealed by U.P. Act No.19 of 1938, Section 24].

28. Stamping documents 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 a High Court, any 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 stamp.

- 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 figure-head so as to leave the amount designated on the stamps untouched, and the part removed by punching shall be burnt or otherwise destroyed.

30A. Refund.

- Where allowance is made in this Act for damaged or spoiled stamps or where refund is permitted on the strength of a certificate granted by a Court, the Collector may, on the application of the holder of the same and after satisfying himself about the genuineness of the certificate or the stamps produced, give in lieu thereof the same amount or value in stamps of the same or any other description or, if the applicant so desires, the same amount or value in money provided that in the latter case a deduction shall be made of [ten naye paise] [Substituted by U.P. Act No. 20 of 1958.] for each rupee or fraction thereof. No such deduction shall, however, be made where refund is claimed in respect of court-fee paid in pursuance of an order of the Court which has been varied or reversed in appeal.

Chapter VI

Miscellaneous

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

- [Repealed by Act No. 18 of 1923. Section 63].

32. Amendment of Act VIII of 1859 and Act IX of 186.

- [Repealed In-Act. No. 12 of 1891].

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

- Whenever 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 4 or Section 6 shall be deemed to prohibit such filing or exhibition.

34. Penalty for breach of rules relating to sale of stamps and for unauthorized sale.

- Any person appointed to sell stamps who disobeys any rule made under this Act, and any person, not so appointed, who sells or offers for sale any stamps, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both.

35. Power to reduce or remit fees.

- The Appropriate Government may, from time to time by notification in the Official Gazette, reduce or remit in the whole or in any part of the territories under its administration, 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.

36. Saving of fees to certain officers of High Courts..

- Nothing in Chapters II and V of this Act applies to the commission payable to the Accountant General of the High Court at Fort William, or to the fees which any officer of a High Court is allowed to receive in addition to fixed salary.

37. [[Added by U.P. Act No. 4 of 1961. Section 2 (always deemed to have been added).]

All fees shall be charged and collected under this Act at the rate indicated in the First or Second Schedule to this Act, as the case may be, on the date on which the document chargeable to the court-fee is or was presented.]

I

Ad valorem fees[See Explanation to Sections 4 and 6(1)] [Inserted by U.P. Act No. 25 of 1952, Section 2.]

Number

Proper fee

1. [[Substituted by U.P. Act No. 44 of 1958.]	Plaint, written statement, pleading a set-off for counter-claim or memorandum of appeal (not otherwise provided for in this Act), presented to any Civil or Revenue Court except those mentioned in Section 3.	When the Amount or value of the subject matter in dispute-
	(i) Does not exceed one hundred rupees;	Fifty paise for every five rupees or part thereof.
	(ii) Exceeds one hundred rupees but does not exceed three hundred rupees;	On one hundred rupees the fee payable under clause (i), and on the remainder, one rupee and twenty-five paise for every ten rupees or part thereof.
	(iii) Exceeds three hundred rupees but does not exceed five hundred rupees;	On three hundred rupees the fee payable under clause (ii), and on the remainder, one rupee and fifty paise for every ten rupees or part thereof.
	(iv) Exceeds five hundred rupees but does not exceed one thousand rupees ;	On five hundred rupees the fee payable under clause (iii) and on the remainder, two rupees and twenty-five paise for every ten rupees or part thereof.
	(v) Exceeds one thousand rupees but does not exceed five thousand rupees ;	On one thousand rupees, the fee payable under clause (iv), and on the remainder, twelve rupees for every one hundred rupees or part thereof.
	(vi) Exceeds five thousand rupees but does not exceed ten thousand rupees ; and	On five thousand rupees the fee payable under clause (v), and on the remainder, twenty rupees for every two hundred rupees or part thereof.
	(vii) Exceeds ten thousand rupees.	On ten thousand rupees the fee payable under clause (vi), and on the remainder, thirty seven rupees and fifty paise

paise for every five hundred rupees or part thereof:

2.	Plaint in a suit for possession under the Specific Relief Act, 1877, Section 9.	A fee of one-half of the amount prescribed in the foregoing scale.
2-A.	Application or written statement by a defendant in a suit for partition praying for partition of his share in the property sought to be partitioned.	The same fee which would have been payable on a plaint if such defendant instituted a suit for partition.]
2-B.	Memorandum of appeal filed under Section 23 of the U.P. Agriculturists Relief Act, 1934.	The same fee as would be leviable on a memorandum of appeal under Article.
3.	[Repealed by Act No. VIII of 1871].	
4.	Application for review of judgement, 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 judgement, if presented before the ninetieth day from the date of the decree.	One half of the fee leviable on the plaint or memorandum of appeal.
6.	Copy or translation of a judgement or order not being, or having the force of a decree.	When such judgement or order is passed by any Civil Court other than a High Court or by the presiding officer of any Revenue Court or officer, or by any other Judicial or Executive Authority-
	(a) If the amount or value of the subject-matter is fifty or less than fifty rupees.	[Seventy-five naye paise] [Substituted by U.P. Act No. 44 of 1958, Section 3 (ii).]
	(b) If such amount or value	[One rupee and fifty naye

	exceeds fifty rupees.	paise] [Substituted by U.P. Acl No. 44 of 1958, Section 3 (ii).]	
	When such judgment or order is passed by a High Court.	[Three rupees] [Substituted by U.P. Acl No. 44 of 1958, Section 3 (ii).]	
7.	Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than a High Court or by any Revenue Court-	
	(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.	One rupee and fifty naye paise.	
	(b) If such amount or value exceeds fifty rupees.	Three rupees	
	When such decree or order is made by a High Court.	Seven rupees and fifty naye paise.	
8.	Copy of any document liable to stamp-duty under the [Indian Stamp Act, 1879] [As per Legal Glossary, 1992 Edn. it is Indian Stamp Act, 1899.] 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 [one rupee] [Substituted by U.P. Acl No. 44 of 1958, Section 3 (ii).]	The amount of the duty chargeable on the original.
	(b) In any other case	[One rupee and fifty naye paise] [Substituted by U.P. Acl No. 44 of 1958, Section 3 (ii).]	
[8-A. [Inserted by U. P. Act No. 44 of 1958, Section 3 (v).]	A copy of a power of attorney when filed in any suit or proceedings.		One rupee and fifty naye paise].
9.	Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal	For every three hundred and sixty words or fraction of three hundred and sixty words.	[One rupee] [Substituted by U.P. Act No. 44 of 1958.]

or Revenue Court or Office, or from the office of any chief officer charged with the executive administration of a division.

[Repealed by the Guardians and Wards Act, 1890 (Act No. VIII of 1890)].

10.

11. [Substituted by U.P. Act 28 of 1957, Section 3 (w.e.f. 22.10.1952).]

Probate of a will or letters of administration with or without will annexed.

(a) When 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.

Two and a half per centum on such amount or value.

(b) When such amount or value exceeds ten thousand rupees, but does not exceed fifty thousand rupees.

Three and one fourth per centum on such amount or value.

(c) When such amount or value exceeds fifty thousand rupees, but does not exceed one lakh of rupees.

Three and three-fourth per centum on such amount or value.

(d) When such amount or value exceeds one lakh of rupees, but does not exceed two lakhs of rupees.

On one lakh of rupees the fee payable under clause (c) and on the remainder five per centum.

(e) When such amount or value exceeds two lakhs of rupees, but does not exceed three lakhs of rupees.

On two lakhs of rupees the fee payable under clause (d) and on the remainder six and one fourth per centum.

(f) When such amount or value exceeds three lakhs of rupees, but does not exceed four lakhs of rupees.

On three lakhs of rupees the fee payable under clause (e) and on the remainder seven and a half per centum.

(g) When such amount or value exceeds four lakhs of rupees, but does not exceed five lakhs of rupees.

On four lakhs of rupees the fee payable under clause (f) and on the remainder eight and one-fourth per centum.

(h) When such amount or value exceeds five lakhs of rupees.

On five lakhs of rupees the fee payable under clause (g) and on the remainder eight and three-fourth per centum:

Provided that when, after the grant of a certificate under Part X of the Succession Act, 1925 or under the Regulation of the Bombay Code No. VIII of 1827 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.

Note. - (1) Where on or after the twenty second day of October, 1952.]

12. [Substituted by U. P. Act No. 28 of 1957.]

Succession certificate under the Indian Succession Act, 1925.

(a) When the amount or value of the debt or security or the aggregate amount of the debts or securities to be specified under Section 374 does not exceed twenty thousand rupees.

Two and a half per centum on such amount or value.

(b) When such amount or value exceeds twenty thousand rupees but does not exceed fifty thousand rupees.

On twenty thousand rupees the fee payable under clause (a) and on the remainder three and one-fourth per centum.

(c) When such amount or value exceeds fifty thousand rupees but does not exceed a lakh of rupees.

On fifty thousand rupees the fee payable under clause (b) and on the remainder three and three-fourths per centum.

(d) When such amount or value exceeds one lakh of rupees but does not exceed two lakhs of rupees.

On one lakh rupees the fee payable under clause (c) and on the remainder five per centum.

(e) When such amount or value exceeds two lakhs of rupees, but does not exceed three lakhs of rupees.

On two lakhs rupees the fee payable under clause (d) and on remainder six and one fourth per centum.

(f) When such amount or value exceeds three lakhs of rupees but does not exceed four lakhs of rupees.

On three lakhs rupees the fee payable under clause (e) and on the remainder seven and a half per centum.

(g) When such amount or value exceeds four lakhs of rupees but does not exceed five lakhs of rupees.

On four lakhs rupees the fee payable under clause (f) and on the remainder eight and one-fourth per centum.

(h) When such amount or value exceeds five lakhs of rupees :

On five lakhs rupees the fee payable under clause (g) and on the remainder eight and three-fourth per centum :

Provided that the fee payable in the case of an application under Section 376 of the Act shall be as worked out in the following manner:

(i) Ascertain the aggregate amount of the debts or securities specified already in the certificate and the debts or securities to be specified on the application aforesaid.

(ii) Calculate the fee payable on this aggregate amount in accordance with the provisions of clauses (a) to (h) above, subject to the condition, however, that in respect of the amount in excess of the amount of debts or securities specified on application under section 372 of the Act, the rates in the said clauses (a) to (h) shall respectively be deemed to be three and three-fourth per centum, four and three-fourth per centum, five and three-fourth per centum, seven and a half per centum, nine and a half per centum, eleven and one-fourth per centum, twelve and a half per centum and thirteen and one-fourth per centum.

Notes: (1) 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. (2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act, and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

(iii) Out of the total amount of fee so worked out, deduct the court fee already paid for specification of debts or securities on the application under Section 372 and on the applications, if any, under Section 376 of the Act. The remainder shall be the fee payable on the application under consideration.]

12-A.

Certificate under the Regulation of Bombay Code, No. VIII of 1827

(1) As regards debts and securities.

The same fee as would be payable in respect of a certificate under the Succession Certificate Act, 1889, or in respect of an extension of such a certificate as the case may be.

(2) As regards other property in respect of which the certificate is granted-

When the amount or value of such property exceeds one thousand rupees, but does not exceed ten thousand rupees.

Two and a half per centum of such amount or value.

When such amount or value exceeds ten thousand rupees, but does not exceed fifty thousand rupees.

Three and one-fourth per centum on such amount or value.

When such amount or value exceeds fifty thousand rupees.

Three and three-fourth per centum on such amount or value.

13.

Application to the High Court of Punjab for the exercise of its jurisdiction under Section 44 of the Punjab Courts Act, 1918 or to the Court of the Financial Commissioner of Punjab for the exercise of its revisional

When the amount or value of the subject-matter in dispute does not exceed twenty five rupees.

[Two rupees and fifty naye paise.] [Substituted by U.P. Act, No. 20 of 1958, Section 4 (b) (iv).]

jurisdiction under Section 84 of
the Punjab Tenancy Act, 1887.

When such amount or value
exceeds twenty five rupees.

The fee leviable on a
memorandum of appeal.

14. [Repealed by A. O. 1937]

15. [Repealed by Act No. 11 of 1923,
Section 3 and Schedule II].

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	
1	2	3	
Rs.	Rs.	Rs.	P.
....	5	0	50
5	10	1	00
10	15	1	50
15	20	2	00
20	25	2	50
25	30	3	00
30	35	3	50
35	40	4	00
40	45	4	50
45	50	5	00
50	55	5	50
55	60	6	00
60	65	6	50
65	70	7	00
70	75	7	50
75	80	8	00
80	85	8	50
85	90	9	00
90	95	9	50
95	100	10	00
100	110	11	25
110	120	12	50
120	130	13	75
130	140	15	00
140	150	16	25
150	160	17	50
160	170	18	75

The Court Fees Act, 1870

170	180	20	00
180	190	21	25
190	200	22	50
200	210	23	75
210	220	25	00
220	230	26	25
230	240	27	50
240	250	28	75
250	260	30	00
260	270	31	25
270	280	32	50
280	290	33	75
290	300	35	00
300	310	36	50
310	320	38	00
320	330	39	50
330	340	41	50
340	350	42	50
350	360	44	00
360	370	45	50
370	380	47	00
380	390	48	50
390	400	50	00
400	410	51	50
410	420	53	00
420	430	54	50
430	440	56	00
440	450	57	50
450	460	59	00
460	470	60	50
470	480	62	00
480	490	63	50
490	500	65	00
500	510	67	25
510	520	69	50
520	530	71	75
530	540	74	00

The Court Fees Act, 1870

540	550	76	25
550	560	78	50
560	570	80	75
570	580	83	00
580	590	85	25
590	600	87	50
600	610	89	75
610	620	92	00
620	630	94	25
630	640	96	50
640	650	98	75
650	660	101	00
660	670	103	25
670	680	105	50
680	690	107	75
690	700	110	00
700	710	112	25
710	720	114	50
720	730	116	75
730	740	119	00
740	750	121	25
750	760	123	50
760	770	125	75
770	780	128	00
780	790	130	25
790	800	132	50
800	810	134	75
810	820	137	00
820	830	139	25
830	840	141	50
840	850	143	75
850	860	146	00
860	870	148	25
870	880	150	50
880	890	152	75
890	900	155	00
900	910	157	25

The Court Fees Act, 1870

910	920	159	50
920	930	161	75
930	940	164	00
940	950	166	25
950	960	168	50
960	970	170	75
970	980	173	00
980	990	175	25
990	1,000	177	50
1,000	1,100	189	50
1,100	1,200	201	50
1,200	1,300	213	50
1,300	1,400	225	50
1,400	1,500	237	50
1,500	1,600	249	50
1,600	1,700	261	50
1,700	1,800	273	50
1,800	1,900	285	50
1,900	2,000	297	50
2,000	2,100	309	50
2,100	2,200	321	50
2,200	2,300	333	50
2,300	2,400	345	50
2,400	2,500	357	50
2,500	2,600	369	00
2,600	2,700	381	50
2,700	2,800	393	50
2,800	2,900	405	50
2,900	3,000	417	50
3,000	3,100	429	50
3,100	3,200	441	50
3,200	3,300	453	50
3,300	3,400	465	50
3,400	3,500	477	50
3,500	3,600	489	50
3,600	3,700	501	50
3,700	3,800	513	50

The Court Fees Act, 1870

3,800	3,900	525	50
3,900	4,000	537	50
4,000	4,100	549	50
4,100	4,200	561	50
4,200	4,300	573	50
4,300	4,400	585	50
4,400	4,500	597	50
4,500	4,600	609	50
4,600	4,700	621	50
4,700	4,800	633	50
4,800	4,900	645	50
4,900	5,000	657	50
5,000	5,200	677	50
5,200	5,400	697	50
5,400	5,600	717	50
5,600	5,800	737	50
5,800	6,000	757	50
6,000	6,200	777	50
6,200	6,400	797	50
6,400	6,600	817	50
6,600	6,800	837	50
6,800	7,000	857	50
7,000	7,200	877	50
7,200	7,400	897	50
7,400	7,600	917	50
7,600	7,800	937	50
7,800	8,000	957	50
8,000	8,200	977	50
8,200	8,400	997	50
8,400	8,600	1,017	50
8,600	8,800	1,037	50
8,800	9,000	1,057	50
9,000	9,200	1,077	50
9,200	9,400	1,097	50
9,400	9,600	1,117	50
9,600	9,800	1,137	50
9,800	10,000	1,157	50

The Court Fees Act, 1870

10,000	10,500	1,195	00
10,500	11,000	1,232	50
11,000	11,500	1,270	00
11,500	12,000	1,307	50
12,000	12,500	1,345	00
12,500	13,000	1,382	50
13,000	13,500	1,420	00
13,500	14,000	1,457	50
14,000	14,500	1,495	00
14,500	15,000	1,532	50
15,000	15,500	1,570	00
15,500	16,000	1,607	50
16,000	16,500	1,645	00
16,500	17,000	1,682	50
17,000	17,500	1,720	00
17,500	18,000	1,757	50
18,000	18,500	1,795	00
18,500	19,000	1,832	50
19,000	19,500	1,870	00
19,500	20,000	1,907	50
20,000	20,500	1,945	00
20,500	21,000	1,982	50
21,000	21,500	2,020	00
21,500	22,000	2,057	50
22,000	22,500	2,095	00
22,500	23,000	2,132	50
23,000	23,500	2,180	00
23,500	24,000	2,207	50
24,000	24,500	2,245	00
24,500	25,000	2,282	50
25,000	25,500	2,320	00
25,500	26,000	2,357	50
26,000	26,500	2,395	00
26,500	27,000	2,432	50
27,000	27,500	2,470	00
27,500	28,000	2,507	50
28,000	28,500	2,545	00

28,500	29,000	2,582	50
29,000	29,500	2,620	00
29,500	30,000	2,657	50

and the fee increases at the rate of thirty seven rupees and fifty naye paise for every five hundred rupees or part thereof, for example :

Value	Proper fee	
(1)	(2)	
Rs.	Rs.	P.
40,000 3,407	50
50,000 4,157	50
60,000 4,907	50
75,000 6,032	50
1,00,000 7,907	50
2,00,000 15,407	50
3,00,000 22,907	50
4,00,000 30,407	50
5,00,000 37,907	50

II

Fixed fees

Number	Proper fee	
	(a) When presented to 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;	[Fifty naye paise] [Substituted by U.P. Act No. 44 of 1958, Section 5.]
1.	Application or petition	Or 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;

Or when presented
to the District
Magistrate or any
other officer for the
correction of an
electoral roll;

Or when presented
to any Civil Court
other than a
principal Civil Court
of original
jurisdiction;

Or to any Court of
Small Causes
constituted under
Act No. XI of 1865
or under Act No.
XVI of 1868,
section 20 or to a
Collector or other
officer of revenue in
relation to any suit or
case in which the
amount or value of
the subject-matter is
less than fifty rupees
;

Or when presented
to any Civil,
Criminal or Revenue
Court, or to any
Board or executive
officer for
the purpose of

[Fifty naye
Paise]
[Substituted by
U.P. Act No. 44
of 1958, Section
5.]

obtaining a copy of translation of any judgement,decree or order passed by such Court, Board or officer, or of any other document on record in such Court or office.

(b) When containing a complaint or charge of any offence and presented to any Criminal Court;

Or when presented to a Collector containing a request from a local body, such as the Municipal Board, the District Board or the Notified Area Committee, for the realization of any dues by issue of warrant or any other distress; or when presented to a District Magistrate for permission to have displays of fire works or for a police escort;

Or when presented to a District Magistrate in the form of a programme or in any other form, for the exhibition of a

[One rupee and fifty paise]
[Substituted by U.P. Taxation Law (Amendment) Act, 1963, Section 2.]

[One rupee and fifty paise]
[Substituted by U.P. Taxation Law (Amendment) Act, 1963,

Section 2.]

film at a shorter
notice than that
permitted by
the conditions of the
licence issued to
cinema companies
for exhibiting films ;
Or when presented
to a District
Magistrate
or Collector or any
officer subordinate
to him, under the
Village Panchayat
Act.

The Indian Arms
Act, the Poisons Act,
the Explosives Act,
the State Carriage
Act, the Indian
Cinematograph Act,
or any other
enactment for the
time being in force
unless specifically
exempted from
payment of court
fee;

Or when presented
to a Civil, Criminal
or Revenue Court, or
to a Collector, or to
any Revenue
Officer, having
jurisdiction equal or
subordinate to a
Collector, or to any
Magistrate in his
executive capacity
and not
otherwise provided
for by this Act;
Or to deposit in

[One rupee
twenty five
naye paise]
[Substituted by
U.P. Act No. 44
of 1958.]

Court revenue or
rent;

Or for determination
by a Court of the
amount of
compensation to be
paid by a landlord to
his tenant.

(c) When presented
to a Chief
Commissioner
or other Chief
Controlling Revenue
or Executive
authority, or to
a Commissioner, of
Revenue or Circuit
or to any Chief
Officer charged with
the executive
administration of a
Division and
not otherwise
provided for by this
Act.

[Three rupees]
[Substituted by
U. P. Act No. 14
of 1963.]

(d) When presented
to the Board of
Revenue for revision
of a judgment or
order.

[Five rupees.]
[Substituted by
U. P. Act No. 44
of 1958.]

(e) [When
presented to High
Court- [Substituted
by U. P. Act No. 44
of 1958.]

(1) Under the
Companies Act, 1956
for the winding up of
a company;]

[One hundred
rupees]
[Substituted by
U.P. Act No. 34
of 1970.]

(2) [Under Article
226 or Article 227 of
the Constitution or

One hundred
rupees.]

by way of special
appeal against a
judgment or order
including a
judgment or order
passed on a petition
filed before the
commencement of
the Court Fees
(Uttar
Pradesh Amendment)
Act, 1970 passed by
a Single Judge of the
High Court thereon.
[Substituted by
Court Fees (U.P.
Amendment) Act,
1970 (Act 34 of
1970) (w.e.f.
15.1.1971).]

(3) For probate or
letters of
administration
to have effect
throughout India;

Twenty-five
rupees.

(4) Under Section
115 of the Code of
Civil Procedure,
1908, for revision of
an order; and

Ten rupees

[(4-A) Under
Section 11 of the
Uttar Pradesh Sales
Tax Act, 1948, for
revision of an order;
[Added by U. P.
Sales Tax
(Amendment and
Validation) Act, 1979
(Act No. XII of
1979), Section 41.]

Two hundred
and fifty
rupees.]

(5) In any other case
not otherwise

Five rupees

provided for:

[Provided that-

[Inserted by U. P.

Act No. 34 of 1970.]

(i) No Court fee shall be payable under clause (e) on an application or petition under Section 491 of the [Code of Criminal Procedure, 1898] [Now see Code of Criminal Procedure, 1973.] or under Article 226 of the Constitution for writs in the nature of habeas corpus or in relation to any proceeding relating thereto;

(ii) The court fee payable on an application or petition for adjournment of hearing of any case shall be double the court fee payable on an ordinary application or petition under clause (b), clause (c), clause (d) or sub-clause (f) of clause (e) as the case may be].

(f) When presented under Chapter IV of the [Motor Vehicles Act, 1939 (IV of 1939)] [Now see Motor Vehicles Act,

1988.]-

		(i) To Regional Transport Authority or its Chairman or Secretary.	[One hundred rupees] [Substituted by U. P. Act No. 14 of 1989, Section 2 (a) (w.e.f. 1.5.89).]
		(ii) To the State Transport Authority or its Chairman or Secretary.	[Two hundred rupees] [Substituted by U. P. Act No. 14 of 1989, vide Section 2 (b) (w.e.f. 1.5.89).]
1-A.	Application to any Civil Court that records maybe called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.	[One rupees and fifty naye paise] [Substituted by U. P. Act No. 25 of 1952.] in addition to any fee levied on the application under clause (a), clause (b) or clause (c) of Article 1 of this Schedule.
2.	Application for leave to sue as a pauper.		[Seventy-five naye paise] [Substituted by U. P. Act No. 20 of 1958.]
3.	Application for leave to appeal as a pauper.	(a) When presented to a District Court.	[One rupee and twenty five naye paise] [Substituted by U. P. Act No. 20 of 1958.].
		(b) When presented to a Commissioner or a High Court.	[Two rupees and fifty naye paise.]

			[Substituted by U. P. Act No. 20 of 1958.]
4.	Plaint or memorandum of appeal in a suit to obtain possession under Act No. XVI of 1838 or the Mamlatdar's Court Act, 1876.		Seventy-five naye paise.
5.	Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the [Code of Criminal Procedure, 1898] [Now see Code of Criminal Procedure, 1973.], or the Code of Civil Procedure, 1908 and not otherwise provided for by this Act.		[Two rupees.] [Substituted by U. P. Act No. 44 of 1958.]
6.			One rupee.
7.	Undertaking under Section 49 of the Indian Divorce Act.		[One rupee] [Substituted by U. P. Act No. 25 of 1952.]
8.	[Repealed by Act XII of 1891].		
9.	[Repealed by Act XII of 1891].		
10.	[Mukhtarnama, Vakalatnama or any paper signed by [an Advocate, Attorney or Pleader] [Substituted by U. P. Act No. 44 of 1958.] signifying or	When presented for the conduct of any one case-	

intimating that he is retained by a party].

(a) To any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other Executive Officer, except such as are mentioned in clauses (b) and (c) of this number;

[One rupee and fifty naye paise.]
[Substituted by U. P. Taxation Laws (Amendment) Act, 1963 (14 of 1963).]

(b) To a Commissioner of Revenue, Circuit or Customs or to any officer charged with the executive administration of a Division, not being the Chief Revenue or Executive Authority.

[Three rupees]
[Substituted by U. P. Taxation Laws (Amendment) Act, 1963 (14 of 1963).]

(c) To a High Court, Chief Commissioner, Board of Revenue, or other Chief Controlling Revenue or Executive Authority.

[Five rupees]
[Substituted by U. P. Act No. 44 of 1958].

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 any Civil Court other than a High Court or to any Revenue Court or Executive Officer other than Commissioner of the Division or Chief Controlling Revenue or Executive authority.

[One rupee and fifty naye paise]
[Substituted by U. P. Act No. 44 of 1958].

(b) To Commissioner of the Division.

[Three rupees.]
[Substituted by U. P. Act No. 44 of 1958.]

	(c) To a High Court or to a Chief Controlling Executive or Revenue Authority.	[Five rupees] [Substituted by U. P. Act No. 44 of 1958.]	
[11-A. [Inserted by U. P. Act No. 44 of 1958.]	Memorandum of appeal under section 39 of the Arbitration Act, 1940.	(a) When the appeal is from the order in a case where the value for purposes of jurisdiction does not exceed Five thousand rupees. One hundred rupees.] When the amount or value of the property in respect of which the caveat is lodged-	Fifteen rupees.
12.	Caveat	(a) does not exceed five thousand rupees. (b) exceeds five thousand rupees.	Six rupees and twenty five naye paise. Twenty rupees and fifty naye paise.
13.	Application under Act No. X of 1859, Section 26 or Bengal Act No. VI of 1862, Section 9, or Bengal Act No. VIII of 1869, Section 37.		[Six rupees, and twenty five naye paise.] [Substituted by U. P. Act No. 25 of 1952.]
14.	Petition in a suit under the [* * *] [Some words omitted by A. O. 1950.] Converts Marriage Dissolution Act, 1866.		[Nine rupees and fifty naye paise] [Substituted by U. P. Act No. 25 of 1952.]
15.	[Repealed by Act V of 1908].		
16.	[Repealed, by Act VI of 1889 Section 18(1)]		
17.	Plaint or memorandum of appeal in each of the following suits :		

(i) To alter or set aside a summary decision or order (not being one passed under Order XXI, Rules 60, 61 or 62 of the Code of Civil Procedure) or any of the Civil Courts not established by Letters Patent or of any Revenue Court;

[Twenty two rupees.]
[Substituted by U. P. Act No. 44 of 1958.]

(ii) To alter or cancel any entry in a register of the names of Proprietors of revenue paying estates ;

[Twenty two rupees.]
[Substituted by U. P. Act No. 14 of 1963]

(iii) [To obtain a declaratory decree where no consequential relief is prayed in any suit, not otherwise provided for by this Act;] [Substituted by U. P. Act No. 14 of 1963](iv)[Omitted by U. P. Act XIX of 1938].(v) [Omitted by U.P. Act XIX of 1938].(vi) For relief under Section 14 of the Religious Endowments Act, 1863, or under Section 91 or Section 92 of the Code of Civil Procedure, 1908.(vii) Every other suit not otherwise provided for by this Act.

(a) When the value of the suit or appeal for purposes of jurisdiction does not exceed one thousand rupees ;

[Thirty rupees.]
[Substituted by U. P. Act No. 44 of 1958.]

(b) When such value exceeds one thousand rupees, but does not exceed five

Fifty rupees

thousand

rupees ;

(c) When

such value

exceeds five

thousand rupees,

but does not

exceed ten

thousand

rupees ; and

(d) when

such value

exceeds ten

thousand

rupees:

Provided

that in a suit

filed before a

High Court

under its

original

jurisdiction

the fee

chargeable in

all cases

under this

article shall

be two

hundred and

fifty rupees.

One
hundred
rupees.

Two
hundred
rupees.

18. [(i) Application under
[Substituted Section 14 or Section
by U. P. Act 20 of the Arbitration
No. 44 of Act, 1940, or an
1958.] application to set aside
an award under the said
Act.

(b) When such value
exceeds five
thousand rupees, but
does not exceed ten
thousand rupees ; and

(a) When the value
of the subject-matter
of the award does not
exceed five thousand
rupees ;

Twenty rupees.

One hundred
rupees.

	(c) When such value exceeds ten thousand rupees.	Two hundred rupees.	
(ii) Other applications under the Arbitration Act, 1940.			Twenty rupees.]
19. [Substituted by U. P. Act No. 44 of 1958.]	Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.		Twenty two rupees.]
20.	Every petition under the Indian Divorce Act, except petitions under Section 44 of the same Act and every memorandum of appeal under Section 55 of the same Act.		Thirty seven rupees and fifty naye paise.
21. [Substituted by U.P. Act No. 44 of 1958.]	Memorandum of Appeal under the Parsi Marriage and Divorce Act, 1939.		Thirty seven rupees and fifty naye paise]
[21-A. [Inserted by U.P. Act No. 44 of 1958.]	[Application, Petition or Memorandum] [Substituted by U.P. Act No. 4 of 1961.] under the Special Marriage Act, 1954 or the Hindu Marriage Act, 1955.		Thirty seven rupees and fifty naye paise.]
22. [Substituted by U. P. Act No. 14 of 1963.]	Election petition questioning the election of any person.	(a) As a President Vice-President or Adhyaksha, Up-Adhyaksha, Nagar Pramukh or Up-Nagar Pramukh of a Municipal Board Zila Parishad or Nagar Mahapalika or any other local	Two hundred rupees.

body except those mentioned in clause (c).

(b) As a Sadasya or Vishishta Sadasya of a Nagar Mahapalika or as a member of a Municipal Board or Zila Parishad or any other local body except those mentioned in clause (d).]

One hundred and fifty rupees.

(c) As a President or Chairman of a Notified or Town Area Committee.

Fifty rupees.

(d) As a member of a Notified or Town Area Committee.

Twenty-five rupees.

III

(See Section 19-1) Form of valuation (to be used with such modifications, if any, as may be necessary) In The Court Of Re : Probate of the Will of (or administration of the property and credits of) deceased.

I | solemnly affirm make oath and say that I am the executor (or one of the executor or one of the next-of-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 possess 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 value since the date of the death of the said deceased, are under the value of

Annexure A Valuation of the movable and immovable property of deceased

Rs.[N. P]
[Substituted by U. P.
Act No. 20 of 1958.]

Cash in the house and at the banks, house-holdgoods, wearing apparel, books, plates, 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 at the time of making the application).

Immovable property consisting of-

(State description, giving, in the case of houses, the assessed value if any, and the number of years' assessment 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 profits 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.)

Books 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.

Rs.[N.P] [Substituted by U. P.
Act No. 20 of 1958.]

Amount of debts due and owing from the deceased, payable by law
out of the estate.

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...