

The Khasi Hills Autonomous District Council (Court-Fees) Rules, 1976

MEGHALAYA

India

The Khasi Hills Autonomous District Council (Court-Fees) Rules, 1976

Rule

THE-KHASI-HILLS-AUTONOMOUS-DISTRICT-COUNCIL-COURT-FEES of 1976

- Published on 14 August 1976
- Commenced on 14 August 1976
- [This is the version of this document from 14 August 1976.]
- [Note: The original publication document is not available and this content could not be verified.]

The Khasi Hills Autonomous District Council (Court-Fees) Rules, 1976Published vide Notification No. DC/L/7/2/76/10, dated the 14th August, 1976 in the Gazette of Meghalaya dated the 24th March, 1977Last Updated 19th February, 2020Notification No. DC/L/VII/2/76/10, dated the 14th August, 1976. - Pursuant to paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules of the Khasi Hills Autonomous District Council are hereby published for general information:

1. Short title, extent and commencement.

(1)These Rules may be called the Khasi Hills Autonomous District Council (Court Fees) Rules, 1976.(2)They shall extend to the whole of Khasi Hills Autonomous District.(3)[They shall come into force with effect from 1st April, 1980.Savings. - Nothing in these rules shall apply to suits or cases or transactions instituted prior to 1st April, 1980.] [Substituted by the Khasi Hills Autonomous District Council (Court-Fees) (Amendment) Rules, 1980, Rule 2.]

2. Definitions.

- In these Rules unless there is anything repugnant or the context otherwise requires-(a)"Court" means a Court constituted by the Khasi Hills Autonomous District Council under the Second Schedule to the Constitution of India.(b)"Executive Committee" means the Executive Committee of the Khasi Hills Autonomous District Council.(c)"Gazette" means the official Gazette of the State of Meghalaya.(d)"Khasi Hills Autonomous District Council" means the Khasi Hills Autonomous

District Council as constituted under the Sixth Schedule to the Constitution of India.(e)"Judge" means the Judge of the District Council Court.(f)"Law" means any law, regulation or rules made by the Khasi Hills Autonomous District Council under the provisions of the Sixth Schedule to the Constitution of India, or any other law, regulation or rules in force in the Khasi Hills Autonomous District.(g)"Tribunal" means an election tribunal constituted by the authority of the Khasi Hills Autonomous District Council under the provisions of the United Khasi and Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959.

3. Application.

- These rules shall apply to all suits, cases, appeals or proceedings before all Courts or Tribunals constituted by the Khasi Hills Autonomous District Council.

4. Fees on documents filed, etc., in Court.

- No document of any of the kinds specified in the First or Second Schedule to these Rules as chargeable with fees shall be filed, exhibited or recorded in, or shall be received or furnished by, any Court or Tribunal constituted by the District Council in any suit, case, appeal or proceedings coming before such Court or Tribunal unless in respect of such document there has been paid as fee of an amount not less than that indicated by either of the said Schedules as the proper fee for such document.

5. Rate of fee in force on date of presentation to be applicable.

- All fees shall be charged and paid under these Rules as the rate in force on the date on which the document chargeable to fee is or was presented.

6. Mode of payment of fees.

- All fees referred to in Rule 4 or chargeable under these rules shall be collected by stamps or where on account of temporary shortage of stamps fees cannot be paid, and payment of fees cannot be indicated on documents by means of stamps; the fees may be paid in cash to such officer, as may be declared by the Court or Tribunal concerned who shall certify by endorsement on the document in respect of which the fee is paid, that the proper fees have been paid and state in the said endorsement the amount of the fees so paid.

7. Stamps to be impressed or adhesive.

- The stamps used to denote any fee chargeable under these rules shall be impressed or adhesive, or partly impressed and partly adhesive, as the Executive Committee may, by notification in the Gazette from time to time, direct.

8. Bye-laws relating to supply, sale, etc., of stamps.

(1)The Executive Committee may, from time to time, make regulations for regulating-(a)the supply of stamps to be used under these rules;(b)the number of stamps to be used for denoting any fees chargeable under these rules;(c)the renewal of damaged or spoiled stamps;(d)the keeping of accounts of all stamps unused under these rules;(e)the sale of stamps to be used under these rules, the person by whom alone such sale is to be conducted, the duties and remuneration of such persons;(f)the keeping of accounts and custody of money in respect of fees paid in cash.(2)All such regulations shall be published in the Gazette and thereupon shall have the force of law.

8A. [[Inserted by the Khasi Hills Autonomous District Council (Court-Fees) (Amendment) Rules, 1980, Rule 3.]

Pending the framing of bye-rules relating to the making, supply, sale, etc., of stamps, and until such time as the Executive Committee may, by notification, appoint for the use of stamps, all fees realisable under these rules either in the District Council Court or the Subordinate District Council Courts shall be in cash to be deposited at least once a week, if not earlier, by Treasury Challan to the District Fund of the Khasi Hills District Council and a Cash Book and Receipt Book shall be maintained for the said purpose, to be operated by the Sheristadar or any other officer of the Court under the orders and instruction of the Judge, Khasi Hills District Council Court. Provided that the Sheristadar or any officer entrusted with the handling of cash, issue of receipts thereof and responsibility for maintenance of the accounts shall offer a security of Rs. 500 to Rs.1,000 pledged to the Judge, Khasi Hills District Council Court.]

9. Penalty.

- Any person appointed to sell stamps who disobeys any of the regulations made under Rule 8, and any person not so appointed who sells or offers for sale any stamp shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

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

(1)When any difference arises between the officer whose duty it is to see that any fee is paid under these rules and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall be referred to the Court in which the difference arises, and its decision thereon shall be final, except when the question is in the opinion of such Court one of general importance, in which case it shall refer it to the final decision of the Judge.(2)The Courts concerned shall declare who shall be the officer for the purpose of sub-rule (1) of this rule and Rule 6.

11. Stamping documents inadvertently received.

- No document which ought to bear Court Fee Stamps or for which cash payment of an equivalent amount ought to be paid under these rules shall be of any validity, unless and until it is properly stamped or an equivalent cash payment in lieu thereof is made. In case any such document is through mistake or inadvertence received, filed or used in any Court or Tribunal, without proper fees paid on it such Court or Tribunal, as the case may be, may, if it thinks fit, order that such document be stamped or the equivalent cash payment be made, whichever is applicable, and on such document being stamped or cash payment being made accordingly, the same and every proceeding relating thereto shall be as valid as if proper fees on it have been paid in the first instance.

12. Amended documents.

- When any 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 fee.

13. Cancellation of stamp.

- No document stamped under these rules shall be filed or acted upon in any proceeding under any law in any Court or Tribunal until the stamp has been cancelled by the officer so declared under sub-rule (2) of Rule 10 or a Certificate endorsed under Rule 6, as the case may be.

14. Admission in criminal matters of documents for which proper fee has not been paid.

- Whenever the filing or exhibiting in a criminal matter in any Court of a document of which the proper fee has not been paid is in the opinion of such Court, necessary to prevent a failure of justice, nothing in these rules shall be deemed to prohibit, such filing or exhibition.

15. Power to reduce or remit fees.

- The Executive Committee may, from time to time, by order notified in the Gazette reduce or remit in the whole or any part of the Territory under the administration of the Khasi Hills Autonomous District Council, all or any of the fees mentioned in the First or Second Schedule to these rules, and in like manner cancel or vary such order.

16. Process fees.

- The Executive Committee, may, from time to time, by notification in the Gazette, fix the fees chargeable for serving and executing processes issued by the Courts in civil matters as well as criminal and, until such fixation the fees now leviable for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under these rules.

17. Computation of fees payable in certain suits.

- The fee payable under these rules in the suits next hereafter mentioned shall be computed as follows: (1) For money. In suits for money (including suits for damages or compensation or arrears of maintenance of annuities, or of other sums payable periodically-according to the amount claimed. (2) For maintenance and annuities. In suits for maintenance and annuities or other sums payable periodically-according to the value of the subject matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year. (3) For movable property having a market value. In suits for movable property other than money where the subject matter has a market value according to such value at the date of presenting plaint. (4) In suits- (a) To enforce a right to share in joint family property. - to enforce the right to share in any property on the ground that it is joint family property; and (b) For easements - for the right to some benefits (not herein otherwise provided for) to arise out of land; and (c) For accounts - according to the amount at which the relief sought is valued in the plaint or memorandum of appeal. (5) In suits- For houses and gardens. - When the subject matter is house or garden-according to the market value of the house or garden. (6) To redeem to foreclose- In suits against a mortgage for the recovery of the property mortgaged; And in suits by a mortgagee to foreclose the mortgage; or where the mortgage is made by conditional sale to have the sale decided absolute-according to the principal money expressed to be secured by the instrument or mortgage. (7) For specific performance. - In suits for specific performance- (a) of a contract for sale - according to the amount of the consideration; (b) of contract of mortgage - according to the amount agreed to be secured; (c) of contract of lease - according to the aggregate amount of the fine or premium (if any) and of the rents 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. (8) For possession of lands, houses and gardens. - In suits for possession of land, house and garden-according to the value of the subject matter; and such value shall be deemed to be- Where the subject matter is land, and net profits have arisen from the land during the year next before the date of presenting the plaint-fifteen times such net profits. But where no such net profits have arisen therefrom-the amount at which the Court shall estimate with reference to the value of similar lands in the neighbourhood. For house and garden. Where the subject matter is house or garden-according to the market value of the house or garden. (9) Between landlord and tenant. - In the following suits between landlord and tenant: (a) for delivery by a tenant of the counterpart of a lease; (b) to enhance the rent of a tenant having a right of an occupancy; (c) for delivery by a landlord of a lease; (d) for the recovery of immovable property from the tenant, including a tenant holding over after determination of a tenancy; (e) to contest a notice of ejectment; (f) to recover the occupancy of immovable property for which a tenant has been illegally ejected by the landlord; and (g) for abatement 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 of plaint.

I

(See Rule 4) Ad-valorem fees

Number

Proper fee

(1)	(2)	(3)
<p>Plaint, written statement pleading a set-off or counterclaim or "1. memorandum of appeal or of cross-objection presented to any Court or Tribunal</p>	<p>When the amount or value of the subject-matter in dispute does not exceed one hundred rupees, for every five rupees or part thereof of such amount or value</p>	<p>Re. 0.27 p.</p>
	<p>and</p>	
	<p>When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof in excess of one hundred rupees, up to one hundred and fifty rupees</p>	<p>Re. 0.37 p.</p>
	<p>and</p>	
	<p>When such amount or value exceeds one hundred and fifty rupees, for every fifty rupees or part thereof up to one thousand rupees</p>	<p>Re. 0.75</p>
	<p>and</p>	
	<p>When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof in excess of one thousand rupees up to seven thousand five hundred rupees</p>	<p>Rs. 5.00</p>
	<p>and</p>	
	<p>When such amount or value exceeds seven thousand five hundred rupees, for every two hundred and fifty rupees, or part thereof, in excess of seven thousand five hundred rupees up to ten thousand rupees</p>	<p>Rs. 10.00</p>
	<p>and</p>	
	<p>When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees</p>	<p>Rs. 15.00</p>
	<p>and</p>	
	<p>When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees up</p>	<p>Rs. 20.00</p>

	to fifty thousand rupees and When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof in excess of fifty thousand rupees Provided that maximum fee leviable on a plaintiff's memorandum of appeal shall not exceed Rs. 3,000-00.	
2. Copy of judgment or order not being or having the force of a decree	(a) If the amount or value of the subject-matter is fifty or less than fifty rupees (b) If such amount or value of the subject-matter exceeds fifty rupees.	Rs. 1.10 p. Rs. 2.20 p.
3. Copy of a decree or order having the force of a decree	(a) If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees (b) If such amount or value exceeds fifty rupees:	Rs. 2.20 p. Rs. 3.30 p.
4. Application for review of judgment 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.
5. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree		The fee leviable on the plaint or memorandum of appeal.

Table of rates 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. Np.
00	50	5.00
50	70	5.50
70	90	6.00
90	100	7.50
100	150	9.00
150	200	10.00
200	225	12.00
225	250	14.00

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250	300	15.00
300	310	17.00
310	320	19.00
320	330	21.00
330	340	23.00
340	350	25.00
350	360	26.00
360	370	28.70
370	380	29.00
380	390	30.00
390	400	31.00
400	410	32.00
410	420	32.50
420	430	33.00
430	440	33.50
440	450	34.00
450	460	34.00
460	470	35.00
470	480	36.00
480	490	36.50
490	500	37.00
500	510	38.00
510	520	39.00
520	530	40.00
530	540	40.50
540	550	41.00
550	560	42.50
560	570	42.40
570	580	43.00
580	590	44.00
590	600	45.00
600	610	46.00
610	620	46.50
620	630	47.00
630	640	48.00
640	650	48.50
650	660	49.00

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660	670	50.00
670	680	51.00
680	690	51.50
690	700	52.00
700	710	53.00
710	720	54.00
720	730	55.00
730	740	55.50
740	750	56.00
750	760	57.00
760	770	58.00
770	780	58.50
780	790	59.00
790	800	60.00
800	810	60.50
810	820	61.00
820	830	62.00
830	840	63.00
840	850	64.00
850	860	64.50
860	870	65.00
870	880	66.00
880	890	67.00
890	900	67.50
900	910	68.00
910	920	69.00
920	930	70.00
930	940	70.50
940	950	71.00
950	960	72.00
960	970	73.00
970	980	73.50
980	990	74.00
990	1,000	75.00
1,000	1,100	80.00
1,100	1,200	85.00
1,200	1,300	90.00

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1,300	1,400	95.00
1,400	1,500	100.00
1,500	1,600	105.00
1,600	1,700	110.00
1,700	1,800	115.00
1,800	1,900	120.00
1,900	2,000	125.00
2,000	2,100	130.00
2,100	2,200	135.00
2,200	2,300	140.00
2,300	2,400	145.00
2,400	2,500	150.00
2,500	2,600	155.00
2,600	2,700	160.00
2,700	2,800	165.00
2,800	2,900	170.00
2,900	3,000	175.00
3,000	3,100	180.00
3,100	3,200	185.00
3,200	3,300	190.00
3,300	3,400	195.00
3,400	3,500	200.00
3,500	3,600	205.00
3,600	3,700	210.00
3,700	3,800	215.00
3,800	3,900	220.00
3,900	4,000	225.00
4,000	4,100	230.00
4,100	4,200	235.00
4,200	4,300	240.00
4,300	4,400	245.00
4,400	4,500	250.00
4,500	4,600	255.00
4,600	4,700	260.00
4,700	4,800	265.00
4,800	4,900	270.00
4,900	5,000	275.00

5,000	5,250	285.00
5,250	5,500	295.00
5,500	5,750	305.00
5,750	6,000	315.00
6,000	6,250	325.00
6,250	6,500	335.00
6,500	6,750	345.00
6,750	7,000	355.00
7,000	7,250	365.00
7,250	7,500	375.00
7,500	7,750	385.00
7,750	8,000	395.00
8,000	8,250	405.00
8,250	8,500	415.00
8,500	8,750	425.00
8,750	9,000	435.00
9,000	9,250	445.00
9,250	9,500	455.00
9,500	9,750	465.00
9,750	10,000	475.00

And the fees increases at the rate of Rs. 15 for every five hundred rupees or part thereof, up to a maximum of ten thousand rupees.

II

(See Rule 11) Fixed Fees

	Number		Proper fee
	(1)	(2)	(3)
1.	Application or petition	When presented to the Court in exercise of its civil or criminal jurisdiction for the purpose of obtaining any copy of a document, or order passed by such Court or the deposition of witnesses in any case or suit before such Court.	Rs. 0.50
		When presented to the tribunal for the purpose of obtaining any	Rs. 0.50

		copy of a document, or order passed by suchtribunal or the deposition of witnesses in any case before suchtribunal	
		When presented to the Court in exercise of itscivil or criminal jurisdiction for any other purpose as envisaged under the Civil Procedure Code, or the Code ofCriminal Procedure	Rs. 1.00
		When presented to any Court in any matterrelated to any other law	Rs. 5.00
2.	Application to any Court that records may becalled for from an another Court	When the Court grants the application and is ofthe opinion that the transmission of such records involves theuse of process servers or peon of the Court.	Re. 1.00 in addition of double the process fee
3.	Bail-bond affidavit, or other instrument ofobligation given in pursuance of an order made by a Court orMagistrate under any section has contemplated in the Code ofCriminal Procedure or the Civil Procedure Code		Rs. 1.00
4.	Undertaking under Section 49 of the IndianDivorce Act, 1869		Rs. 1.00
5.	Vakalatnama		Re. 1.00
6.	Memorandum of appeal when the appeal is notfrom a decree or an order having the force of a decree and ispresented-	(1) to any Court other than the Court of theJudge, District Council Court	Rs. 3.00
		(2) to the Court of the Judge, District CouncilCourt	Rs. 5.00
7.	Plaint or memorandum of appeal in each of thefollowing suits-	(1) to alter to set aside a summary decision ororder of any Court other than that of the Court of the Judge,District Council Court	Rs. 16.50

		(2) to alter or cancel any documents or entry in any register	Rs. 16.50
		(3) to obtain a declaration decree where no consequential relief is prayed	Rs. 22.00
		(4) for injunction	Rs. 11.00
		(5) every other suit where it is not possible to estimate at a money value the subject matter in dispute and which is not otherwise provided for in these rules.	Rs. 16.50
8.	Agreement in writing stating a question for the opinion of the Court as contemplated under the Code of Civil Procedure, 1908		Rs. 16.50
9.	Every petition where the Indian Divorce Act, 1869 except petition under Section 44 of the same Act		Rs. 22.00
10.	Plaint or memorandum of appeal under any law except the Criminal Procedure Code or any matter contemplated under the Code of Civil Procedure or law which have not been otherwise provided for in these rules.		Rs. 16.50
11.	[[Inserted by the Khasi Hills Autonomous District Council (Court-Fees) (Amendment) Rules, 1980, rule 4.]	Application for succession certificates under the Indian Succession Act.	(a) Where the amount or value of the subject-matter is less than Rs. 500 Rs. 10.00 (b) Where the amount or value of the subject-matter exceeds Rs. 500 Rs. 20.00
12.	Any other application or petition in suits or cases arising out of any other Acts		

enacted by the District Council
but where the fees have not
been prescribed.]