

# The Assam Court-Fees (Amendment) Act, 1963

ASSAM

India

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### Act 8 of 1963

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The Assam Court-Fees (Amendment) Act, 1963 Assam Act No. 8 of 1963 Last Updated 11th February, 2020 Received the assent of the Governor on the 23rd April, 1963, published in the Assam Gazette, Extraordinary, dated the 26th April, 1963. An Act further to amend the Court-Fees Act, 1870 in its application to Assam. Preamble. - Whereas it is expedient further to amend the Court-Fees Act, 1870 (Act 7 of 1870), hereinafter called the Principal Act, in its application to Assam, in the manner hereinafter appearing; It is hereby enacted in the Fourteenth Year of the Republic of India as follows:-

### 1. Short title, extent and commencement.

(1) This Act may be called the Assam Court-Fees (Amendment) Act, 1963. (2) It extends to the whole of Assam. (3) It shall come into force with effect from the First day of April, 1963.

### 2. Amendment of Schedules I and II of the Act 7 of 1870.

- In the Principal Act-(1) In Schedule I, for Article numbers, 6, 7, 8 and 9 the following shall be substituted, namely:-

Number	Proper Fee
"6. Copy of translation of a judgment or order not being, or having the force of, a decree	When such judgment 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
	One rupee

		less than fifty rupees	
		(b) If such amount or value exceeds fifty rupees	Two rupees
		When such judgment or order is passed by a High Court	Four rupees.
7.	Copy of a decree or order having 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	Two rupees
		(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the Indian Stamp Act, 1899 (Act 2 of 1899), when left by any party to a suit or proceeding in place of the original withdrawn	(a) When the stamp-duty chargeable on the original does not exceed one rupee	The amount of the duty chargeable on the original.
		(b) In any other case	One rupee.
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 or Revenue Court or Office, or from the office of any chief officer charged with the executive administration of a Division	For every three hundred and sixty words or fraction of three hundred and sixty words	One rupee."

(2) For Schedule II, the following shall be substituted, namely: "Schedule II Fixed Fees

Number	Proper Fee
1.	Application or petition (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; or when presented to any Municipal Board or other local authority constituted under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement; 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. 11 of 1865 or under Act No. 16 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 obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or Office.

(b) When presented in a Regional Transport Authority or State Transport Authority containing a prayer for permit for Contract Carriage, Stage Carriage, Private Carrier or Public Carrier or for any other purpose.

Seven rupees and fifty naye paise

(c) When containing a complaint or charge of any offence other than an offence for which police officer may, under the Criminal Procedure Code, arrest without warrant and presented to any

In the case of a complaint or charge of an offence presented to a criminal court or in the case of an application or petition presented to any officer of

Criminal Court; or

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—one rupee and fifty paise and in other case one rupee.

when presented to a Civil, Criminal or Revenue Court, or to a Collector or 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 the Act, or to deposit in Court as revenue or rent; or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant; or when presented 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; 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.

		(d) When presented to a Chief Commissioner or other ChiefControlling Revenue or Executive Authority, or to a Commissionerof Revenue or Circuit, or to any chief officer charged with theexecutive administration a Division and not otherwise providedfor by this Act.	Three rupees.
		(e) When presented to a High Court.	Six rupees.
		(f) When presented to any officer containing prayer forsettlement of fishery, ferry, forest produce, forest mahals,elephant mahals, or an officer giving terms for acceptance ofGovernment for any construction or an application for a permitor licence to deal in controlled commodities.	Seven rupees and fifty naye paise.
		(g) When presented to an Appropriate Revenue Authority fordemarcation of land-	
		(i) when the area of such land does not exceed one hectare	Two rupees.
		(ii) for each subsequent area of one hectare or part thereof	One rupee.
1-A.	Application to any Civil Court that records may be called forfrom another Court	When the Court grants the application and is of opinion thatthe transmission of such record involves the use of the post.	One rupee and fifty naye paise in addition to anyfee levied on the application under CT (a), Clause (c) or Clause(e) of Article 1 of this Schedule.
2.	Application for leave sue as a pauper		One rupee.
3.	Application for leave to appeal as a pauper	(a) When presented to a District Court. (b) When presented to a Commissioner or a High Court.	Two rupees. Three rupees.
4.	.....		
5.	Plaint or memorandum of appeal in a suit to		

	establish or disprove a right of occupancy		
	Bail-bound 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 (Act 5 of 1898) or the Code of Civil Procedure, 1908, (Act 5 of 1908) and not otherwise provided for by this Act		
6.	Undertaking under Section 49 of the Indian Divorce Act, 1869 (Act 4 of 1869)		One rupee.
7.			
8.	.....		
9.	.....		
10.	Mukhtarnama or Wakalatnama	When presented for the conduct of any one case-	
		(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 Cls. (b) and (c) of this number	One rupee.
		(b) to a Commissioner of Revenue, Circuit or Customs Officer or to any officer charged with the executive administration of a Division, not being the Chief Revenue or Executive Authority	Two rupees and fifty naye paise.
		(c) to a High Court, Chief Commissioner, Board of Revenue, or other Chief Controlling Revenue or executive authority or an appellate authority prescribed under the	Five rupees.

		Motor Vehicles Act, 1939 (Act 4 of 1939) or to an appellate authority prescribed under the Assam Sales Tax Act, 1947 (Assam Act 17 of 1947).	
11.	Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented	<p>(a) to any Civil Court other than a High Court, or to any Revenue Court or executive officer other than the High Court or Chief Controlling Revenue or Executive Authority except an authority specified in Clause (b)</p> <p>(b) to an Excise Appellate Authority under Rule 340 of the Assam Excise Rules</p> <p>(c) to a High Court or Chief Commissioner, or other Chief Controlling Executive or Revenue Authority except an authority prescribed in Clause (b)</p> <p>(d) to an Excise Appellate Authority under Rule 341 of the Assam Excise Rules</p> <p>(e) to a High Court in Miscellaneous revenue matters except (f) below or to an appellate authority prescribed under the Motor Vehicles Act, 1939 (Act 4 of 1939)</p> <p>(f) to a High Court in appeal and revision matters arising out of settlement of fisheries-</p> <p>(i) when the bid money is below ten thousand rupees</p> <p>(ii) when the bid money is above ten thousand rupees but below twenty thousand rupees</p> <p>(iii) when the bid money is above twenty thousand rupees</p>	<p>Three rupees.</p> <p>Fifteen rupees.</p> <p>Ten rupees.</p> <p>Fifty rupees.</p> <p>Fifteen rupees.</p> <p>Fifteen rupees</p> <p>Twenty-five rupees.</p> <p>Thirty rupees.</p>
12.	Caveat		Ten rupees.
13.	Application under Act No. 10 of 1859, Section		Five rupees.

	26, or Bengal Act No. 6 of 1862, Section 9, or Bengal Act No. 8 of 1869, Section 37		
	Petition in suit under the Native Converts' Marriage Dissolution Act, 1866 (Act 21 of 1866)		Five rupees.
14.			
15.	....		
16.	....		
17.	Plaint or memorandum of appeal in each of the following suits:		
	to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or any Revenue Court;		
(i)			
	to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates		Fifteen rupees.
(ii)			
	to obtain a declaratory decree where no consequential relief is prayed		Twenty rupees
(iii)			
(iv)	to set aside an award		Fifteen rupees.
(v)	to set aside an adoption		Twenty rupees.
	every other suit where it is not possible to estimate at		
(vi)	a money-value the subject-matter in dispute, and which is not otherwise provided for by this Act.		Fifteen rupees.
18.	Application under Section 14 or Section 20 of the Indian Arbitration Act, 1940	When presented to a Munsif's Court	Fifteen rupees.



	(Act 10 of 1940), for a direction for filing an award or for an order for filing an agreement	When presented to any other Court	Fifty rupees.
19.	Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908 (Act 5 of 1908)		Fifteen rupees
20.	Every petition under the Indian Divorce Act, 1869 (Act 4 of 1869) except petitions under Section 44 of the same Act, and every memorandum of appeal under Section 55 of the same Act.		Twenty rupees.
21.	Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865 (Act 15 of 1865).		Twenty rupees