

The Orissa Reduction and Remissions of Court-fees Order, 1943

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The Orissa Reduction and Remissions of Court-fees Order, 1943Published vide Notification No. 17957-J. (C), dated the 23rd August, 1943, Published vide Orissa Gazette, Part 3 of 1943Notification No. 17957-J. (C), dated the 23rd August, 1943. - In exercise of the powers conferred by Section 35 of the Court-fees Act, 1870 (VII of 1870), as amended by the Orissa Court-fees (Amendment) Act, 1939 (Orissa Act V of 1939) and in supersession of all previous notifications on the subject heretofore in force in any part of the Province, the Governor of Orissa is pleased to make in the Province, of Orissa the reductions and remissions hereinafter set forth in the fees leviable under Schedules I and II to the said Act, namely :

1.

to remit the fees chargeable on applications presented to a Collector for refund of the amount paid to the Government for stamped paper which has become, spoiled or unfit for use, or is no longer required for use and on applications for renewal of stamped paper which has become spoiled or unfit for use;(2)to remit the fees chargeable on applications in writing relating exclusively to the purchase of salt which is the property of the Government;(3)to direct that, when a plaint disclosing a reasonable case on the merits is presented to any Civil or Revenue Court in such a form that the Presiding Judge or officer, without summoning the defendant, rejects it not for any substantial defect but on account of an entirely technical error in form only, and so as to leave the plaintiff free to prosecute precisely the same case in another form against the same defendant or defendants, the value of the stamp on the plaint shall be refunded on presentation of an application to the Collector of the district in which the Court is situated, together with a certificate from the Judge or officer, who rejected the plaint that it was rejected under the circumstances above described and that the value of the stamp should, in his opinion, be refunded;(4)to remit the fees chargeable on-(a)copies of village settlement records furnished to landholders and cultivators during the currency or at the termination of settlement operations;(b)lists of fields extracted from village settlement records for the purpose of being filed with petitions of plaint in Settlement Courts:Provided that nothing in this

clause shall apply to copies of judicial proceedings, or to copies of village settlement records (other than lists of fields extracted as aforesaid which may be filed in any Court or office);(5)to direct that the fees chargeable on appeals from orders under Section 47 of the Code of Civil Procedure, 1908 (V of 1908), shall be limited to the amounts chargeable under Article 11 of Schedule II.(6)to remit the fees chargeable on security bonds for the keeping of peace by, or good behaviour of persons other than the executants;(7)to remit the fees chargeable under Articles 6, 7 and 9 of Schedule I on copies furnished by Civil or Criminal Courts or Revenue Courts or Offices for the use of persons applying for them :Provided that nothing in this clause shall apply to copies when field, exhibited or recorded in any Courts of Justice or received by any public officer;(8)to remit the fees chargeable, under paragraph 4 of Clause (a) and paragraph 2 of Clause (b) of Article 1 of Schedule II, on applications for orders for the payment of deposits in cases in which the deposit does not exceed Rs. 25 in amount :Provided that the application is made within three months of the date on which the deposit first becomes payable to the party making the application;(9)to remit, with reference to Clause (xi) of Section 19 of the Act the fees chargeable on applications for leave to occupy, under direct engagement with the Government land of which the revenue is settled, but not permanently, when made by persons who do not at the time of application hold the land;Note. - This notification superseded Notification No. 6493-II-J23/37-J., dated the 18th August, 1937 and No. 621-J (C), dated the 13th January, 1943;(10)to remit the fees chargeable on applications for loans, or for the suspension or remission of loans, under the Land Improvement Loans Act, 1883 (XIX of 1883), or the Agriculturists' Loans Act, 1884 (XII of 1884);(11)to remit the fee chargeable on an application made by a person to the Collector under Sub-section, (2) of Section 42 of the Indian Stamps Act, 1899 (II of 1899), for the return to that person, or to the Registration Officer who impounded it, of a document impounded and sent to the Collector by a Registration Officer;(12)to remit the fees chargeable on the following documents, namely:(a)copy of a charge limited under Section 210 of the Code of Criminal Procedure, 1898 (V of 1898), or of a translation thereof when the copy is given to an accused person,(b)copy of the evidence of supplementary witnesses after commitment when the copy is given under Section 219 of the said Code to an accused person,(c)copy or translation of judgement in a case other than a summons case, and copy of the heads of the Judge's charge to the Jury, when the copy or translation is given under Section 371 of the said Code to an accused person,(d)copy or translation of the judgement in a summons case, when the accused person to whom the copy or translation is under Section 371 of the said Code is in jail,(e)copy of an order of maintenance when the copy is given under Section 490 of the said Code to the person in whose favour the order is made, or the person to whom the allowance is to be paid,(f)copy furnished to any person affected by a judgement or order passed by a Criminal Court, of the Judge's charge to the Jury or of any order, deposition or other part of the record when the copy is not a copy which may be granted under any of the preceding sub-clauses without the payment of a fee, but is, a copy which on its being applied for under Section 548 of the said Code, the Judge or Magistrate, for some special reason to be recorded by him on the copy, thinks fit to furnish without any such payment,(g)copies of all documents furnished under the orders of any Court of Magistrate to any Government Advocate or pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any Criminal Court,(h)copies of all documents which any such Advocate, pleader or other person is required to take in connection with any such trial or investigation, for the use of any Court of Magistrate, or may consider necessary for the purpose of advising the Government in connection with any criminal proceedings,(i)copies of

judgements or depositions required by officer of the Police Department in the course, of their duties;(13)to direct that the fee chargeable on application to a Collector with respect either to liability to assessment, or to the amount or rate of an assessment under the Indian Income-Tax Act, 1922 (XI of 1922) shall be limited to one anna;(14)to remit the fee chargeable on application presented by any person for the return of a document filed by him in any Court or Public Office;(15)to direct that if the amount of the fee chargeable in any case involves a fraction of an anna, the fraction shall be remitted, except where otherwise expressly provided by this notification;(16)to remit the fee chargeable on an application for the grant of a licence for the vend of stamp ;(17)to direct that no court-fee shall be charged on an application for the repayment of a fine or any portion of a fine the refund of which has been ordered by competent authority;(18)to remit the fees chargeable on application for copies of documents detailed in Clauses (4) and (12) supra;(19)to remit the fees chargeable in respect of Indian Probates, Letters of Administration or succession certificates on the share or other interest of a deceased member of a Company formed under the Indian Companies Act, 1913 (VII of 1913) ; provided that the said share or interest was registered in a branch register in the United Kingdom under the Indian Companies (Branch Registers) Act, 1900 (IV of 1900), and that such member was at the date of his decease domiciled elsewhere, than in India;(20)to remit the fees chargeable on applications presented to, Officers of Land Revenue for the suspension or remission of revenue on the ground that a crop has not been sown or has failed;(21)to remit the fee chargeable on applications and petitions; presented to the Collector or any Revenue Officer having jurisdiction equal or subordinate to a Collector for advice, assistance from the Agricultural Department of the Province;(22)(a)to remit the fees payable under Schedule II upon applications for the grant or renewal of licences or duplicates under the Indian Arms Rules, 1924 in respect of which a fee is payable under those rules;(b)to reduce to one anna all fees exceeding one anna payable under Schedule II upon other applications relating to licences or duplicates granted or renewed under the said rules;(23)to remit the fees chargeable on applications for the grant of licences of the nature mentioned in items 8 and 9 of Schedule II appended to the Indian Explosives Rules, 1940, to possess gun powder, other explosives or detonators required bona fide for blasting purposes;(24)to remit in respect of the property of (i) any person subject to military law under the Naval Discipline Act (29 and 30 Vict., c. 109), the Army Act (44 and 45 Vict., c. 58), the Air Force Act (7 and 8 Geo., c. 51), the Indian Army Act, 1911 (VII of 1911), the Indian Air Force Act, 1932 (XIV of 1932), or the Indian Navy (Discipline) Act. 1934 "XXXIV of 1934), or the Naval Discipline Act (29 and 30 Vict.,c. 109) as modified by the Indian Navy (Discipline) Act, 1939 (XXXIV of 1939), who is killed while on active service or on service which is of a warlike nature or which in the opinion of the Provincial Government, involves the same risk as active service, or dies from wounds inflicted, accidents occurring or disease contracted while on such service, and (ii) any person in the service of the Crown, civil or military, who dies from wounds or injuries intentionally inflicted while in actual performance of his official duties or in consequence of those duties -(a)where the amount or value of the property, in respect of which the grant of probate or letters of administration is made, or which is specified in the certificate under Part X of Act 1925 (XXXIX of 1925), does not exceed Rs. 50,000 the whole of the fees leviable in respect of that property,(b)where the said amount or value exceeds Rs. 50,000 the whole of the said fees in respect of the first Rs. 50,000,(c)where any property passes more than once in consequence of the deaths of any such persons the whole of the fees leviable in the case second and subsequent successions,(d)the whole of the fees leviable on applications for mutations of names in respect of the property of any such

person;(25)to remit the fees chargeable on applications for the grant of licences issued in accordance with the provisions of any rule made under Section 4 of the Petroleum Act, 1934 (XXX of 1934) for the possession of dangerous petroleum for use on motor vehicle and for its transport thereon for the purpose of use therein;(26)to remit the fees chargeable on copies of decrees of Civil or Revenue Courts situate in the territories of His Highness the Gaekwar of Baroda forwarded to any Court in Orissa for execution in pursuance of the provisions of Section 44 of the Code of Civil Procedure, 1908 (V of 1908);(27)to remit the fees chargeable-(a)on certified copies of entries in record-of-rights furnished in accordance with any rules for the time being in force, under, the Orissa Tenancy Act, 1913 (Bihar and Orissa Act II of 1913) after the final publication of such record-of-rights under Section 116 (2) of that Act;(b)on any application for the deposit of rent in respect of which a fee is paid under Section 70 (2) of the Orissa Tenancy Act, 1913 (Bihar and Orissa Act II of 1913);(c)on applications or petitions of objection referring to any entry made or proposed to be made in a draft record-of-rights prepared under Chapter XI of the Orissa Tenancy Act, 1913 (Bihar and Orissa Act II of 1913); provided that such applications are presented before the publication of such draft record under Section 116 (1) of the said Act;(28)to reduce the fees chargeable under Clause (i) of Article 3-A of Schedule I to the Act on complaints relating to suits instituted under Section 130 of the Orissa Tenancy Act, 1913 (Bihar and Orissa Act II of 1913), the amount of an ad valorem fee chargeable under Article 1, Schedule I to the Act in cases where the amount of such fee would be less than Rs. 15;(29)to reduce to the sum of eight annas the fees in excess of eight annas chargeable on certified copies of entries in a record-of rights of a village or portion thereof maintained under the Orissa Tenancy Act, 1913 (Bihar and Orissa Act II of 1913);(30)to declare that the proper fee to be charged upon an application to deposit in any Court rent not exceeding the sum of fifteen rupees, shall be as follows ;

	Proper fee
If the amount deposited does not exceed Rs. 2-8-0	One anna
If the amount deposited exceeds Rs. 2-8-0 but does not exceedsRs. 5	Two annas
If the amount deposited exceeds Rs. 5 but does not exceed Rs.10	Four annas
If the amount deposited .exceeds Rs. 10 but does not exceedRs. 15	Six annas;
Provided that no fee shall be remitted on an application to deposit rent in respect of which a fee is chargeable under any other law;(31)to remit the fee chargeable on copies of documents furnished by a District Magistrate to a pleader of the Court to defend a pauper accused of murder;(32)to remit the fees chargeable on an application made to a Magistrate under the Motor Vehicles Act, 1939 (IV of 1939), for the registration of a motor vehicle and for a licence to drive it;(33)to remit the fees chargeable on applications made to a Collector for exemption, refund or abatement of Income-tax or super-tax under the Indian Income-tax Act, 1922 (XI of 1922);(34)to remit the fees chargeable on copies of judgements or relevant extracts therefrom furnished to the Registrar of the Council or Medical Registration, Orissa by Courts exercising criminal jurisdiction in cases which a registered medical practitioner is convicted of a non-bailable offence or in which the Court pronouncing the judgement considers that the professional conduct of a registered medical practitioner has been such that it is desirable to bring it to the notice of the Council;(35)to direct that the fee chargeable on the following documents filed in claims preferred under the Madras Hereditary Village Offices Act, 1895 (Madras Act III of 1895), shall be limited to the sum specified below against each, namely :	

Plaint, written statement containing a counter-claim petition for execution or memorandum of appeal to a Collector	Eight annas
Memorandum of appeal to the Board of Revenue	Two rupees

(36) to remit the fees chargeable (a) on copies of judgement, decrees or order passed on claims preferred under the Madras Hereditary Village Offices, Act, 1895 (Madras Act III of 1895), and (b) on applications filed by either party in the Courts of trial of suits or appeals or in the course of execution of decrees under the said Act; (37) to remit the fees chargeable on application made by toddy-drawers and shop-keepers for the grant of licences permitting them or their servants to draw toddy from coconuts and other palms; (38) to remit the fees chargeable on all communications made under Chapter II of the Madras Proprietary Estate Village Service Act, 1894 (Madras Act II of 1894) by a proprietor to any Revenue Officer relating to the appointment and control of village officers; (39) to remit the fees chargeable on the following applications made by cultivators of the hemp plant (*Cannabis Sativa* or *Indica*) - (1) applications for a licence to cultivate the hemp plant (*Cannabis Sativa* or *Indica*), (2) application for permission to harvest a crop of hemp plant and manufacture of intoxicating drugs therefrom, and (3) application for a permit to transport intoxicating drugs extracted from the hemp plant; (40) to remit the fee chargeable on applications made by districts and warehouse-keepers to the Excise Officer in-charge of the distillery or warehouse for the issue of a permit for the transport of country spirit; (41) to remit the fees chargeable in respect of plaints in suits instituted before the Collector under Sections 55, 56, 95, 112, 144 and 160 of the Madras Estates Land Act, 1908 (Madras Act I of 1908) and in respect of objection petitions presented to the Revenue Officer under Section 166 (1) of the same Act; (42) to reduce the fees chargeable in suits by Government raiyats, for the recovery of land sold for arrears of revenue, to the amount which would be chargeable if the value of the subject-matter were only the rent of the land payable for the year next before the date of presentation of the plaint; (43) to remit the fees chargeable on applications, petitions and copies which are filed, exhibited or recorded in, or recovered or furnished by, Village Courts and plaints and complaints filed in Panchayat Courts constituted under the Madras Village Courts Act, 1889 (Madras Act I of 1889) as amended by Madras Act II of 1920, and plaints filed in Panchayat Courts; (44) to remit the fees chargeable on applications for transfer of registry in the revenue accounts in respect of riyotwari holdings in the districts of Ganjam and Koraput; (45) to remit the fees chargeable on applications for transfer of registry in the land records of house sites in towns in the districts of Ganjam and Karaput; (46) to remit the fees chargeable under Article 1 (b) of Schedule II to the Court-fees Act, 1870 (VII of 1870), as amended by the Orissa Court-fees (Amendment) Act, 1939 in respect of applications in writing to which the said article applies, made under Sub-section (2) of Section 4 of the Agency Interest and Land Transfer Act, 1917 (Madras Act I of 1917); (47) to remit the fees chargeable on an application to a Magistrate for passports and pilgrim passes; (48) to remit the fees chargeable on application for special licences granted for the home brewing of pachwai to meet the requirements of special occasions such as marriages, festivals, etc. (49) to remit the fees chargeable under Article 6 of Schedule II, on security bonds executed in pursuance of orders of Courts under any section of the Code of Civil Procedure, 1908; (50) to remit the fees chargeable under Articles 11 and 12 of Schedule I on the probate of a Will or letters of administration or succession certificate granted in respect of amounts exceeding Rs. 3,000 but not exceeding Rs. 5,000 in deposit in a Government Savings Bank, belonging to the Estates of a deceased depositor. Notifications [No. 6613-L, dated the 30th

August, 1949.] [Published vide Orissa Gazette Part- III/1949.] - In exercise of the powers conferred by Section 35 of the Court-fees Act, 1870 (VII of 1870), as amended in its application to the Province of Orissa including the areas comprised in the States now merged in the said Province the Governor of Orissa is pleased to direct that no fees chargeable under Article 19 of Schedule I of the said Act of succession certificates shall be imposed in respect of such certificates issued in any of the Aceeding States or the State of the Hyderabad relating to properties which are situated partly in the said States or State and partly in the Province of Orissa.[No. 1528-L. dated the 17th March, 1954.] [Published vide Orissa Gazette Extraordinary/19.3.1954-No. 60.] - In exercise of the powers conferred by Section 35 of the Court-fees Act, 1870 (VII of 1870), as amended in its application to Orissa by the Court-fees (Amendment) Acts, 1939 and 1951 (Orissa Acts V of 1939 and XXVII of 1951), the Governor of Orissa is pleased to order the total remission of all fees on complaints and Vakalatnamas, filed by or on behalf of any complainant under the Orissa Removal of Civil Disabilities Act, 1946 (Act XI of 1946), in any Court in the State of Orissa.[No. 133-VIJ.17/57-Judl., dated the 6th January, 1958.] [Published vide Orissa Gazette Part- III/1958.] - In exercise of the powers conferred by Section 35 of the Court-fees Act, 1870 (VII of 1870), the State Government do hereby remit within the State of Orissa the Court-fees charged under Article 12 of Schedule I of the said Act, in respect of succession certificates granted or extended by a District Judge in the State Of Jammu and Kashmir after the 1st April, 1951.[No. 3377-Pol., dated the 18th February, 1958.] [Published vide Orissa Gazette Part- III/1958.] - In exercise of the powers conferred by Section 35 of the Court-fees Act, 1870 (VII of 1870), the State Government do hereby (1) remit all fees payable under Schedule II of the said Act upon application for the grant or renewal of licences or duplicate under the Indian Arms Rules, 1954 in respect of which a fee is payable under those rules; and (2) reduce to one anna all fees exceeding one anna payable under the said Schedule upon other applications relating to licences or duplicates granted or renewed under the said rules.No. 2822-IIJ-88/60-Judl., dated the 26th April, 1961. - In exercise of the powers conferred by Section 35 of the Court-fees Act, 1870 (Act VII of 1870) as amended in its application to the State of Orissa, the State Government do hereby direct that the Court-fees payable in respect of a suit for the restoration of wakfs properties such suit being of the nature described in Section 3 of the Public Wakfs (Extension of Limitation) Act, 1959 (Act 29 of 1959) shall be rupees fifteen throughout the State of Orissa.