

High Court Fees Rules, 1956

TAMILNADU

India

High Court Fees Rules, 1956

Rule HIGH-COURT-FEES-RULES-1956 of 1956

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High Court Fees Rules, 1956(Issued under Section 80 of the Act)Order-IPreliminaryThe following orders and rules may be cited as the High Court Fees Rules, 1956 and shall come into operation on the 1st day of January 1957, and shall also apply to proceedings then pending or thereafter commenced.Order-IICourt Fees

1.

(1)Tire fees in all suits and proceedings instituted on or after the 19th day of May 1955 and all proceedings by way of appeal or otherwise arising therefrom shall be levied by the Registrar [x x x] [The word 'Sheriff' was omitted by R. Dis. No. 86/94.] and the Reserve Bank of India, as the case may be, according to the provisions of the [Tamil Nadu] [Substituted for the word 'Madras' by R. Dis. No. 86/94.] Court-fees and Suits Valuation Act XIV of 1955, and the Rules framed thereunder and according to the scale of fees set out in Appendix II hereto upon the several documents, matters and transactions specified as chargeable thereon. The fees chargeable in Government shall be charged by the Reserve Bank of India and credited to Government.[(1-A). Notwithstanding anything contained in sub-rule (1) of rule 1, the fees in all suits and proceedings instituted on or after 11th September 1968 and all proceedings by way of appeal or otherwise arising therefrom shall be levied by the Registrar according to the scale of fees set out in Appendix 1-A hereto] [Sub-rule (1-A) was inserted by P. Dis No. 390/1968.](2)The items set out in Appendix III hereto (items 17,18 and 19 of Appendix II of the High Court Fees Rules, 1933), shall not be charged by the Registrar in suits and proceedings instituted on or after the 3rd day of July 1950.(3)The items set out in Appendix III-A hereto (Items 1 to 5, 15,44 to 46, 46-A, 62 to 69 and 74 of Appendix II of the High Court Fees Rules, 1933) shall not be charged by the Registrar, and the Sheriff in respect of all suits and proceedings and appeals arising therefrom instituted on or after the 26th day of June 1950 and before the 19th day of May 1955. To such documents, the Registrar shall apply as far as may be, the law in force before the 19th day of May 1955, relating to court-fees as regards the scale of fees, the manner of levy of such fees, the refund of such fees and in every other respect in the manner and to the extent that it is applicable to similar documents filed in original proceedings in a District Court and in

appeals from decrees and orders of a District Court.

2.

If an application for leave to prosecute or defend proceedings, *informa pup-peris* is granted, no fee shall be levied unless the Court otherwise orders in respect of any proceeding by or on behalf of, the pauper, except the fees chargeable upon the said application and any proceedings incidental thereto.
;

3.

The Registrar shall not, under item 37 of Appendix II charge any commission upon moneys or securities paid or brought into Court by the Official Trustee and shall not charge any fee, except the said commission, when the total amount in Court to the credit of a suit, or matter does not exceed Rs. 400 or in respect of payments made to suitors periodically.

4.

A separate fee shall be chargeable for each person to whom summons or notice is issued. If a summon, citation or notice is issued to a member of a firm on behalf of the firm or to several minor defendants or respondents represented by a single guardian, a single common, citation or notice shall be issued and only one fee shall be chargeable therefor. A summon *ad testificandum*, or *duces lecum* shall not contain the names of more than three witnesses.

5.

(1) The fee chargeable for interpreting a document shall be calculated according to the number of folios of the original document. (2) The fee chargeable for translating a document shall be calculated according to the number of pages of the original document, reckoning 24 lines to a page. (3) In every case, where a fee is charged according to the number of folios of a document, part of a folio shall be reckoned as one folio.

6.

Unless otherwise ordered, all necessary expenses incurred in respect of the sale, partition, division of property by the Official Referee shall be paid by the party having the conduct of the proceedings in the first instance. In case of dispute, the expenses shall be settled and determined by the Taxing Officer.

7.

Before the proclamation of sale approved by the Registrar is issued to the party who applied for the sale, such party shall deposit with the Official Referee:-(a) a sum of Rs. 25, when the reserve price of

the property to be sold is less than the sum of Rs- 5,000;(b)a sum of Rs. 50, when the reserve price amounts to or exceeds Rs.5,000, but is less than Rs. 10,000;(c)a sum of Rs. 100, when the reserve price amounts to or exceeds Rs.10,000, but is less than Rs. 20,000;(d)a sum of Rs. 200, when the reserve price amounts to or exceeds Rs. 20,000.Credit shall be given for the sums deposited as aforesaid, when the commission payable in respect of such sale is collected.Wherever a fresh proclamation becomes necessary owing to the sale having been adjourned for reasons not due to neglect or default of the party having applied for the sale, the deposit shall ensure to the benefit of the subsequent sale.

8.

If an Officer of Court attends any person out of the Court-house, out of office hours, he may receive in cash and may retain the fees chargeable for his said attendance being items 25 to 27 of Appendix II hereto.

9. [[In as much as the term 'Sheriff' and items 41 to 43 were omitted by R. Dis. No. 86/94, this rule has no force in the eye of law.]

The fees chargeable by the Sheriff and mentioned in Appendix II hereto as items 41 to 43 shall be collected in Court-fee stamps.]

10.

In addition to the fees chargeable by the Sheriff in Appendix II hereto mentioned, he shall be entitled to all necessary expenses incurred by him, in or about the sale of any property, or for the transmission of documents by post, or otherwise or in the custody of any property attached by seizure, or on account of the custody and maintenance of any person arrested, over and above the amount deposited for subsistence money. In case of dispute, the said expenses shall be settled and determined by the Taxing Officer.

1. No costs of, or incidental to, a proceeding shall be allowed, unless the same are expressly awarded by an order, or decree.

2. Unless the Court otherwise directs, fixed costs shall be allowed in all proceedings in accordance with the scale set forth in Appendix IV.

When the costs of an interlocutory application or of an adjournment or of the day are awarded to a party, the Registrar shall, unless the Court otherwise orders, insert in the order a fixed sum according to the scale set forth in Appendix IV hereto provided that, if the party appears in person, only the amount of Court fees incurred by him shall be inserted.

3. If the costs of an interlocutory application or order are not paid within seven days from the date of the allocation of the Taxing Officer, or when the same are ascertained without taxation under the preceding rule, or otherwise, or within seven days from the date of the order awarding the same, the party to whom costs are awarded may apply by summons or on the hearing of any application by the party in default, that all or any proceedings in the suit or matter may be stayed, or set aside, or that any subsequent step taken by the party ordered to pay such costs may be set aside for irregularity and the Court thereupon may make such order as it thinks fit.

4. Upon the first application for execution of a decree or order, and in respect of all costs and expenses thereof, the Registrar shall insert in the warrant, a direction to the Sheriff to levy, in addition to the amount due under the decree or order, a sum according to the scale in Appendix IV hereto:

Provided that where execution is obtained otherwise than through the Sheriff, the costs thereof may be ordered to be taxed.

5. The Master or the Registrar may, in his discretion, allow the fixed costs of subsequent applications for execution.

Order IV Taxation of Costs

1. [[Substituted by P. Dis No. 80/76.] In all suits and proceedings other than interlocutory proceedings, unless the Court orders otherwise, costs shall be taxed on the basis of the fees laid down in Order V together with any amounts legitimately spent on Court-fees, stamps on powers or exhibits, Commissioner's fees, process fees, subsistence of witnesses, fees for expert witnesses, costs of pursuit notice, cost of making or getting copies of pleadings or affidavits, cost of obtaining copies of public documents including search fee, costs of any adjournments and the cost incurred for the preparation of parties case for presentation in Court.]

2. The party to whom costs have been awarded (unless the party be the State, a public servant whose suit or defence has been under taken by the Government, a local board or municipality or the Court of Wards) shall, within one month from the date of the judgement or. order or such further

time as the Court may allow, file, together with the statement referred to in rule 3, a certificate signed by the practitioner or practitioners showing the amount of fees actually received. No fee shall be allowed in taxation in excess of the amount certified:

3. The party shall, within one month of the date of the judgement or order or such further time as the Court may allow, file in Court a tabular statement showing the amount of costs claimed under each of the various heads indicated in rule 1 above, and the total thereof.

4. A copy of the statement referred to in rule 3 shall be served on the party against whom costs are awarded or his advocate or attorney and an affidavit of service shall be filed along with the statement.

5. Notice of the date on which the costs shall be taxed shall be affixed to the notice board of the High Court.

6. The statements filed under rule 3 shall be checked by the Taxing Officer and the amount allowed shall be settled.

7. Any party or his advocate or attorney who is dissatisfied with the decision of the Taxing Officer may, within ten days of the decision, appeal by summon to the Judge.

8. Such appeal shall be heard and determined upon the evidence which shall have been brought in before the Taxing Officer and no further evidence shall be received upon the hearing thereof, unless the Judge shall otherwise direct.

9. Where no appeal has been preferred within the time allowed in rule 7, the costs settled by the Taxing Officer shall be embodied in the decree or order.

10. [[Inserted by Notification SRO No.. 12/55.] In the matter of preparation of pleadings, etc., for being presented in Court, charges, be fixed at 75 paise for every page and 25 paise for every page and for the original and copy respectively.]

Order-VPractitioners' Fees

1. For the purpose of this order, the word 'suit' shall not include summary proceedings under Order VII of the Original Side Rules.

2. [[This rule was substituted by ROC No. 335/93/R.R., dated the 14th December 1994.] (1) The fees to be allowed on the Original Side of the High Court in party and party taxation for all suits shall be as follows:-

(a) Where the suit is concluded prior to the date of the settlement of issues, or where issues are dispensed with, the date of the order dispensing with the issues or where in the proceedings in question issues are, by the rules not required, the date of filing the written statement by the party in question, then-(1) If the amount or value of the claim does not exceed Rs. 5,000, 5 per cent; (2) If the amount or value exceeds Rs. 5,000 and does not exceed Rs. 10,000, on Rs. 5,000 as above and on the remainder, 3-1/2 per cent; (3) If the amount or value exceeds Rs. 10,000 and does not exceed Rs. 20,000, on Rs. 10,000 as above, and on the remainder, 2-1/2 per cent; (4) If the amount or value exceeds Rs. 20,000 and does not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, 1-1/2 per cent; (5) If the amount or value exceeds Rs. 50,000 and does not exceed Rs. 1,00,000, on Rs. 50,000 as above, and on the remainder, 1 per cent; (6) If the amount or value exceeds Rs. 1,00,000 but does not exceed Rs. 2,00,000, on Rs. 1,00,000 as above, and on the remainder, 1/2 per cent; (7) If the amount or value exceeds Rs. 2,00,000, on Rs. 2,00,000 as above, and on the remainder per cent; (b) In cases where the suit is decided ex pane, the defendant not entering appearance or having entered appearance not contesting, then-(1) If the amount or value of the claim does not exceed Rs. 5,000, 10 per cent; (2) If the amount or value exceeds Rs. 5,000 and does not exceed Rs. 10,000, on Rs. 5,000 as above, and on the remainder, 7 per cent; (3) If the amount or value exceeds Rs. 10,000 and does not exceed Rs. 20,000, on Rs. 10,000 as above, and on the remainder, 5 per cent; (4) If the amount or value exceeds Rs. 20,000 and does not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, 3 per cent; (5) If the amount or value exceeds Rs. 50,000 and does not exceed Rs. 1,00,000, on Rs. 50,000 as above, and on the remainder 2 per cent; (6) If the amount or value exceeds Rs. 1,00,000 and does not exceed Rs. 2,00,000, on Rs. 1,00,000 as above and on the remainder, 1 per cent; (7) If the amount or value exceeds Rs. 2,00,000, on Rs. 2,00,000 as above, and on the remainder, 1/2 per cent; (c) In cases not falling under clause (a) or (b)-(1) if the amount or value does not exceed Rs. 5,000, 20 per cent; (2) if the amount or value exceeds Rs. 5,000 and does not exceed Rs. 10,000, on Rs. 5,000 as above, and on the remainder, 14 per cent; (3) if the amount or value exceeds Rs. 10,000 and does not exceed Rs. 20,000, on Rs. 10,000 as above and on the remainder, 10 per cent; (4) if the amount or value exceeds Rs. 20,000 and does not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder 6 per cent; (5) if the amount or value exceeds Rs. 50,000 and does not exceed Rs. 1,00,000, on Rs. 50,000 as above, and on the remainder, 4 per cent; (6) if the amount or value exceeds Rs. 1,00,000 and does not exceed Rs. 2,00,000, on Rs. 1,00,000 as above, and on the remainder, 2 per cent; (7) if the amount or value exceeds Rs. 2,00,000, on Rs. 2,00,000 as above, and on the remainder, 1 per cent: Provided that the scale of fees set out above shall be subject to the following minima and maxima:-(1) in cases falling under clauses (a), (b) and (c), the minimum shall be Rs. 500; (2) in cases falling under clauses (a) and (b), the maxima shall be Rs. 1,500 and Rs. 3,000, respectively. (2) Unless the Court otherwise orders, in every suit, an additional fee calculated at one third of the fees allowable under sub-rule (1) shall be allowed to a

junior practitioner on record: Provided that in any case where a junior fee is allowable under this rule, the Court shall have a discretion to fix that fee at half instead of one third.]

3. In cases which are referred to the Official Referee or to a Commissioner to take accounts or for other enquiry or when a Commissioner is appointed to examine witnesses, notwithstanding anything contained in rule 17, the Taxing Officer may, if the Court award the costs of the reference, after taking into account the value of the work done before the Official Referee or Commissioner, allow to the practitioner so appearing, a further fee in addition to the ad valorem fee but not exceeding one third thereof.

4. [[Rule 4 was substituted by ROC No. 333/93/RR. dated the 14th December 1994.] (1) The fee to be allowed to a practitioner in appeals from judgements (degrees) of a Judge in the exercise of the ordinary original jurisdiction of the Court in suits, shall be on the following scale:-

(a) When, at the time of hearing the appeals is set down on the 'Ready Board'-(1)if the amount or the value of the claim does not exceed Rs.5,000, 20 per cent;(2)if the amount or the value exceeds Rs.5,000 and does not exceed Rs.10,000, on Rs.5,000 as above, and on the remainder, 14 per cent;(3)if the amount or the value exceeds Rs. 10,000 and does not exceed Rs.20,000, on Rs.10,000 as above, and on the remainder, 10 per cent;(4)if the amount or the value exceeds Rs.20,000 and does not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, 6 per cent;(5)if the amount or the value exceeds Rs.50,000 and does not exceed Rs. 100,000, on Rs. 50,000 as above, and on the remainder, 4 per cent;(6)if the amount or the value exceeds Rs. 1,00,000 and does not exceed Rs. 2,00,000, on Rs. 1,00,000 as above, and on the remainder, 2 per cent;(7)if the amount or the value exceeds Rs. 2,00,000, on Rs. 2,00,000 as above, and on the remainder, 1 per cent.(b) When at the time of hearing the appeal is not set down on the 'Ready Board', but printing of the records has been applied for and estimated print charges have been paid by the party, whom costs are awarded-(1)if the amount or value of the claim does not exceed Rs. 5,000, 10 per cent;(2)if the amount or value exceeds Rs. 5,000 and does not exceed Rs. 10,000, on 5,000 as above, and on the remainder, 7 per cent;(3)if the amount or value exceeds Rs. 10,000 and does not exceed Rs. 20,000, on Rs. 10,000 as above, and on the remainder 5 per cent;(4)if the amount or value exceeds Rs. 20,000 and does not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder, 3 per cent;(5)if the amount or value exceeds Rs. 50,000 and does not exceed Rs. 1,00,000, on Rs. 50,000 as above, and on the remainder, 2 per cent;(6)if the amount or value exceeds Rs. 1,00,000 and does not exceed Rs. 2,00,000, on Rs. 1,00,000 as above, and on the remainder, 1 per cent;(7)if the amount or value exceeds Rs. 2,00,000, on Rs. 2,00,000 as above, and on the remainder Vi per cent.(c) In cases not falling under clauses (a) or (b)-(1)if the amount or value of the claim does not exceed Rs. 5,000, 3/2 per cent;(2)if the amount or value exceeds Rs. 5,000 and does not exceed Rs. 20,000, on 5,000 as above, and on the remainder, 2 per cent;(3)if the amount or value exceeds Rs. 20,000 and does not exceed Rs. 1,00,000, on Rs.20,000 as above, and on the remainder, 1 per cent;(4)if the amount or value exceeds Rs. 1,00,000 and does not exceed Rs. 2,00,000, on Rs.

1,00,000 as above, and on the remainder, $\frac{1}{2}$ per cent;(5)if the amount or value exceeds Rs. 2,00,000, on Rs. 2,00,000 as above, and on the remainder, \square per cent:Provided that in Original Side Appeals from decrees, the fees payable shall be subject to the following minimum-

(1) In cases falling under clause (a) Rs. 1,000.

(2) In cases falling under clause (b) Rs. 500.

(3) In cases falling clause (c) Rs. 200.

(2)Unless the Court otherwise orders, in every such appeal, an additional fee calculated at one third of the fees allowable under sub-rule (1) shall be allowed to a junior practitioner on record provided that in any case where a junior fee is allowable under the rule, the Court shall have discretion to fix that fee at half, instead of one third and provided further that this sub-rule would apply only to appeals disposed of after the date of its notification.]

5. [[Substituted by ROC No. 335/93/RR, dated the 14th December 1994.] In appeals from orders (amounting to judgements) of a judge in exercise of the Ordinary Original Civil jurisdiction of the Court and in other miscellaneous cases, the fees to be allowed to a practitioner are payable on the following scales:-

(1)if the amount or value of the claim does not exceed Rs. 5,000, 6 per cent;(2)if the amount or value exceeds Rs.5,000 and does not exceed Rs. 10.000, on Rs. 5,000 as above, and on the remainder, 4 per cent;(3)if the amount or value exceeds Rs.10,000 and does not exceed Rs. 20.000, on Rs. 10,000 as above, and on the remainder, 2 per cent;(4)if the amount or value exceeds Rs. 20,000 and does not exceed Rs. 50.000, on Rs. 20,000 as above, and on the remainder, 1 per cent;(5)if the amount or value exceeds Rs. 50,000 and does not exceed Rs. 1.00.000, on Rs. 50,000 as above, and on the remainder, = per cent;(6)if the amount or value exceeds Rs. 1,00,000, on Rs. 1,00,000 as above, and on, the remainder per cent.The minimum fee under this rule shall be-

(a) for appeals against orders in interlocutory applications Rs. 200.

(b) for appeals against orders in original petitions and company matters Rs. 300

(c) for appeals against orders matrimonial and testamentary suits Rs. 500.]

6. Unless the Court otherwise orders, in cases capable of valuation for purposes of taxation other than those falling under rule 20 below, the words "the amount or value of the claim" in rules 2,4 and 5 mean, the value as set forth in the plaint, written statement containing a counter claim, or memorandum of appeal, and where Court-fees are payable ad valorem, the value on which such Court-fees are paid, and 'appeal' includes a memorandum of cross objections.

7. Where the valuation of the subject-matter of a suit as set forth in the plaint is disputed by the defendant, the Taxing Officer shall take the valuation as set forth in the plaint as a true value for the purpose of taxation of costs, unless the value of the subject-matter of the suit has been determined by Court and in such case shall take such value.

8. Where the claim does not admit of valuation, but is valued for purposes of jurisdiction, the fee for practitioners shall, unless the Court orders to the contrary, be calculated on such value.

9. In cases in which the subject-matter of the claim does not admit of valuation, the Taxing Officers shall fix a reasonable fee, regard being had to the time occupied in the preparation and hearing of the case and the nature of the questions raised therein, as also to the minimum fee prescribed.

10. In cases in which the Court directs that the plaintiff and the defendant do pay and receive proportionate costs, the whole costs incurred by each party, including Court-fees, practitioners fees, [typing or] [The words 'typing or' were inserted by R. Dis. 86/94.] printing and translation charges, if any, costs of printing papers, batta, etc., shall, unless the Court otherwise orders, be taxed by the Taxing Officer and after such taxation ordered to be paid and received in the proportion in which the parties have respectively failed or succeeded.

11. Unless the Court otherwise orders, where the Courts directs costs on the amount decreed, the costs shall be taxed in the manner prescribed in the last preceding rule.

12. Fractions of a rupee in the amount or value of a claim are to be rejected in calculating the fee payable thereupon.

13. If several defendants or respondents, who have a joint or common interest, succeed upon a joint defence, or upon separate defences, substantially the same not more than one fee shall be allowed, unless the Court otherwise orders. If only one fee be allowed, the fee shall be apportioned equally unless the Court otherwise directs.

14. If several defendants or respondents, who have separate interest, set up separate and distinct defences and succeed thereon, a fee for one practitioner for each of the defendants or respondents who shall appear by a separate practitioner may be allowed in respect of his separate interest. Such fee, if allowed, shall be calculated with reference to the value of the separate interest of such defendant or respondent, in the manner hereinbefore prescribed.

15. In suits for accounts, partnership actions, suits for partition, suits for administration, and generally in all suits where a preliminary decree is passed and an enquiry is directed to be held to enable a final decree to be passed, costs of the suit are to be taxed on the passing of the final decree unless the Court shall otherwise direct.

16. In cases of special difficulty or importance or where the amount of work involved is unusually great, the Court may, on the application of a party, direct that a higher fee than would ordinarily be admissible under these rules be allowed to a party.

17. Where the Court orders the costs of an interlocutory application to be taxed, the Taxing Officer shall fix a reasonable fee, not in any case, exceeding Rs. 100.

18. The fee allowed for prosecuting or defending a suit on the Original Side of the High Court or an appeal therefrom is intended to cover all proceedings up to final decree, but it shall not be deemed to include the fixed costs of interlocutory applications the costs of which have been ordered to be costs in the cause.'

19. Where a suit or appeal is remitted for re-hearing and disposal or for a finding on issues, a further fee not exceeding fifty per cent of the original fee may be allowed in respect of such proceedings by the Taxing Officer, who shall take into consideration the work involved.

20. [[Substituted by ROC No. 335/93/RR, dated the 14th December 1994.] In proceedings other than suits or interlocutory applications and other proceedings including original petitions, the Taxing Officer shall fix a reasonable fee, subject ordinarily to the minimum and maximum shown

below:-

	Minimum Rs.	Maximum Rs.
Judge's Summons.	150	300
Original Petitions including petitions for probate where the genuineness of the will is not disputed and Matrimonial suits.	200	800
Testamentary suits.	500	1500
But, in cases of special difficulty or importance or where the amount of work is unusually great, the Court may allow a higher fee.]Taxation as Between Advocate and Client		

21. Where dispute arises between a practitioner and his client as to the fees payable to the practitioner, either may apply to the Master for an order that the amount might be taxed.

22. The Master may, on hearing the parties, or their advocates, either refer the applicant to a suit or direct the Taxing Officer to tax the bill.

Where the Master passes an order for taxing the bill, the Taxing Officer shall proceed to do so and the rules regulating the taxation of costs between party and party are, as far as may be, applicable to taxation between a practitioner and his client.

23. The Taxing Officer shall not recognize any agreement that may be set up regarding the fees payable to a practitioner by his client unless the same has been recorded in writing.

24. In cases, where the practitioner has not conducted the whole suit or proceeding or his services have otherwise become terminated before the suit or proceeding is over, the practitioner shall not be entitled to the full ad valorem fee, but only to such a portion thereof as the Taxing Officer, considers reasonable, provided that if the Taxing Officer considers that the termination was without just cause, he may allow the full ad valorem fee.

It shall be regarded as a just cause for termination, if the practitioner is, not either in person or by deputy duly authorized, in Court when the case is called on.

25. When a bill has been taxed in the manner as aforesaid, the Master shall hear objections, if any, and determine the amount payable to the practitioner and make an order directing the client or his legal representative to pay the

amount so determined. Such order may be executed under Order XXI, Civil Procedure Code, as a decree for money.

Order VI Allowances to Parties in Respect of Witnesses

1. [[Substituted by P.Dis. No. 425 of 1943.] Subject to the following rules, there may be allowed to witnesses for their attendance at Court the respective sums set out in Appendix V hereto:

Provided that the procedure to be adopted in the case of Government servants who are summoned as witnesses in their official capacity in suits in which Government is a party shall be in accordance with the amended rules contained in Order XVI, Schedule t of the Code of Civil Procedure, 1908 (Central Act V of 1908).]

2. Where a witness is a party to the suit or matter, he shall not be entitled to any allowances, except for travelling, unless he has been summoned by another party to give evidence, or the Judge otherwise orders.

3. If a witness or party, summoned and cited as a witness by any other party, resides beyond the local limits of the jurisdiction of the Court, he may be allowed as travelling expenses, allowance for subsistence and other expenses, the sum which has been actually and reasonably paid by him, not exceeding the allowances and expenses set out below:-

Travelling Allowances

By rail (1)	By road (2)	By sea or canal (3)	Allowances for subsistence and other expenses not exceeding per diem (4)
Class of witnesses - First Class			
First Class Fare	3.10 paise per kilometer.	Actual expenses of passage.	50 to 200
Class of witnesses - Second Class			
Second Class Fare	1.60 paise per kilometer	Actual expenses of passage.	30 to 109

4. If it appears to the Taxing Officer that costs have been reasonably and properly incurred, he may, in his discretion, allow costs of witnesses who have not been summoned, but examined or who have been summoned, but not examined.

5. In any suit or matter, the Judge may order that any expert witness may be allowed for qualifying to give evidence, and for attending the trial or hearing such sums as the Taxing Officer may think fit, not exceeding the maximum allowance given in Schedule II of Appendix V hereto.

Appendix -1Repeals

1. High Court Fees Rules, 1933.

2. [Omitted by P D/s. No. 660/1957].

[Appendix I-A] [Inserted by P. Dis. No.390 of 1968, with effect from the 11th September 1968.](See rule I-A)

SI. No.	Particulars	Proper Fee
(1)	(2)	(3)
1.	Plaint or written statement pleading a set-off or counter claim or Memorandum of Appeal from a judgement passed by the High Court in exercise of its ordinary original civil jurisdiction and not otherwise provided for in Article 3, Schedule II to the Tamil Nadu Court-fees and Suits Valuation Act XIV of 1955 (Tamil Nadu Act XIV of 1955), presented to the High Court. When the amount or the value of the subject-matter in dispute -	
(i)	does not exceed ten thousand rupees	Seven and a half per centum.
(ii)	exceeds ten thousand rupees and does not exceed twenty five thousand rupees, on ten thousand rupees as above and on the remainder.	Six per centum.
(iii)	exceeds twenty five thousand rupees and does not exceed fifty thousand rupees, on twenty-five thousand rupees as above and on the remainder.	Five per centum.
(iv)	exceeds fifty thousand rupees and does not exceed seventy-five thousand rupees, on fifty thousand rupees as above, and on the remainder.	Four per centum.
(v)	exceeds seventy-five thousand rupees and does not exceed one lakh of rupees, on seventy-five thousand rupees as above, and on the remainder.	Two and a half per centum.

- (vi) exceeds one lakh of rupees, on one lakh of rupees as above, and on the remainder One per centum.

Appendix-II Court-Fees

SI. No.	Description of document or proceeding	Amount
(1)	(2)	(3)
	Fees to be levied by the Registrar of the High Court	Rs. P.
1.	Special case under the Arbitration Act, 1940, or any other enactment	200.00
2.	[Omitted]	
3.	Summons, citation or notice, to a defendant to a plaint, to a respondent, to a petition, execution application or memorandum of appeal and summons to a witness, each.	4.00
4.	Application to the Registrar for the transmission of a summons, notice for process for service including postage in respect of each summons, notice or process.	6.00
5.	Judge's summons, Master's summons or Registrar's summons except as otherwise provided for.	4.00
6.	Amendment of any proceeding, per folio of amendment.	1.00
7.	Search of records in respect of each suit, appeal or matter in which search is made, for every hour or part of an hour.	4.00
8.	Application to the Registrar for the production by an Officer of the Court of any record or document at the hearing of a suit, appeal or matter in the High Court other than that in which the record or document is filed, or in any Court other than the High Court.	2.00
9.	On filing a certificate or report of a Commissioner.	10.00
10.	Certificate of the Registrar.	2.00
11.	If the document certified by the Registrar exceeds two folios in length and the copy is handwritten or typewritten, per 175 words.	2.00
	or	
	If the document certified exceeds two folios in length and the copy is a photostat copy per print not exceeding 419 sq.cm.	3.60
	Per print exceeding 419 sq.cm. and up to 594 sq.cm.	5.00
	Per print exceeding 594 sq.cm. and up to 742 sq.cm.	6.30
	Per print exceeding 742 sq.cm. and up to 987 sq.cm.	8.40
	Per print exceeding 987 sq.cm. and up to 1484 sq.cm.	12.50
	Per print exceeding 1481 sq.cm.	25.00
12.	Typed copy of oral evidence.	2.00
13.	For taking security or passing account, for the first hour or part of the first hour.	5.00
14.	For every subsequent hour or part of a subsequent hour.	10.00

15.	Interpreting viva voce any document, proceeding not exceeding eight folios.	2.00
16.	And for every folio beyond eight folios	1.00
17.	Translation of document per page of 24 lines or part thereof (A copy of translation, if required, will be charged for separately.)	The rate as on the Appellate Side.
18.	Copy of Will annexed to Probate or Letters of Administration if handwritten, or typewritten, per folio or part thereof.	1.00
	If the copy is a photostat copy per print of size up to 12" X 9" per print of larger sizes, same rate as under item 12.	3.00
19.	Entering and registering Probate and Will, per folio.	1.00
20.	Entering and registering Letters of Administration and Bond, and Will, if any, per folio.	1.00
21.	[Omitted.]	
22.	Execution application.	10.00
23.	Warrant of arrest or attachment, writ or process in execution, not otherwise provided for.	10.00
24.	For every attendance by an Officer of Court, out Court house and within three kilo metres thereof, in addition to all other fees chargeable.	20.00
25.	Or If the actual attendance on the party is for more than one hour, a further sum of	20.00
26.	And For every kilometer beyond three kilometres from the High Court, a further fee.	4.00
27.	For every enquiry or on the taking of every account by the Official Referee for each day or part of a day:	40.00
	Provided that in cases where only directions are given or where only formal orders in the nature of directions are passed, no fee shall be chargeable.	
28.	On the sale of property conducted by the Official Referee, a commission at the rate of 1-1/2 per cent on balance.	
29.	On the sale of property in partition suits by the Official Referee between the parties for the purpose of partition and for equalizing the shares, half the above rates.	
30.	Officials Referee's summons.	4.00
	Proceedings under section 4 of the Powers of Attorney Act, 1882.	
31.	Depositing power of attorney and affidavits verifying the same.	4.00
32.	Certifying copy of any documents to be a true copy, and	2.00
33.	When the copy is prepared by the Registrar, for each folio after the first two folios.	1.00
34.	Search of file of instruments deposited for each hour or part thereof.	4.00
	Commission payable to the Reserve Bank of India	

- For collection by the Reserve Bank of India of interest on securities to the credit of Civil Courts. Deposits of the Original Side of the High Court endorsed to it for such collection, a commission of fifteen paise on every Rs. 50 drawn and remitted subject to a minimum charge of twenty-five paise:
- Provided that where such interest does not amount to Rs. 10, no commission shall be payable.
36. [Omitted]
37. Upon all interest actually received on these securities standing in the name of the Registrar, High Court, for every Rs. 100: 5.00
- (i) Provided that no such fees shall be levied in cases where, under order of Court, such securities are encashed prior to their date of maturity and where the proceeds by such encashment are less than their face value:
- (ii) Provided that the Chief Justice may, by order, waive the levy of the commission, or reduce the rate thereof, in any case, on the ground that the moneys or securities belong to a charitable trust or on any other ground which he may consider proper. 5.00
38. Upon all moneys received for investment with the privity of the Registrar of the High Court, for every Rs. 100: 2.00
- Provided that no commission shall be levied for the investment of accumulated interest on investments already made or for the re-investment of securities which have matured. Explanation. - The term 'investment' occurring in this item would mean investment in Government securities through the Reserve Bank of India or any Scheduled Bank or in such private institution as may be specified in the order of Court directing the investment.
39. For the auditing of the accounts of the Suitors Fund annually by the Examiner of the Local Fund Accounts, Chennai upon moneys paid to the Reserve Bank of India, Madras, with the privity of the Registrar, High Court, decimal two per cent:
- Provided that no such fees shall be levied in cases where, under orders of Court the securities are encashed prior to their dates of maturity and where the proceeds by such encashments are less than their face value.
- In respect of sale in execution of decrees, poundage on purchase money calculated at the rate of ten paise in the rupee on the first Rs. 500; six paise in the rupee on any additional sum of Rs. 2,000 and three paise in the rupee on any additional sum above Rs. 2,000.
- 40.
- 41 to 44 [Omitted]
- Appendix-III

Rs. P.

1. On the first hearing of testamentary or matrimonial suit. On the first hearing of any other suit (Item 17 of Appendix II of the High Court Fees Rules, 1933). 20.00

2. On the hearing or trial in Court of a suit, or matter, other than a motion on affidavit evidence only for the first day. 10.00
And on counter-claim an additional. 10.00
For every day subsequent to the first (Item 18 of Appendix II of the High Court Fees Rules, 1933). 20.00
Every document produced with or annexed to a plaint. Petition (other than a testamentary petition) or written statement or counter claim or exhibited to an affidavit to be used in Court other than an affidavit of service) or marked as an exhibit at a hearing before the Court (Item 19 of Appendix II of the High Court Fees Rules, 1933). 2.00

Appendix III-A

1. Plaint or special case under Order XXXVI of the Code of Civil Procedure where the value of the subject-matter of the suit does not exceed Rs. 2,500. 225.00
And for every Rs. 1,000 or part thereof in excess of Rs. 2,500. 5.00
Note: The plaintiff shall contain a statement of the value of the subject-matter of the suit for purpose of calculating the Court-fees payable thereon under this item. The plaintiff shall, in preparing the statement follow, as far as possible, the provisions of section 7 of the Court Fees Act, 1870, as amended by Madras Act V of 1922. (Items 1 of Appendix II of the High Court Fees Rules, 1933).
If the plaint or agreement comprises a single cause of action or several causes of action when joined, cognizable by the Madras City Civil Court or the Madras Court of Small Causes, the same fee as would be leviable were the plaint presented in the Madras City Civil Court or the Madras Court of Small Causes:
Provided that the fee shall, in no case, be less than Rs. 225. (Item 2 of Appendix II of the High Court Fees Rules, 1933).
Written statement pleading a set off as defined in Order VIII, Rule 6 of the Code of Civil Procedure, 1908. The same fee as would be leviable on a plaint for the amount of the set off claimed. (Item 3 of Appendix II of the High Court Fees Rules, 1933).
Written statement containing a counter claim. The same fee as would be leviable on a plaint for the amount of the counter claim (Item 4 of Appendix II of the High Court Fees Rules, 1933).
3. Reply to a counter claim. (Item 5 of Appendix II of the High Court Fees Rules, 1933). 10.00
Warrant of Commission to examine witnesses, or other commission including transmission to the Court, if any, to which the commission is issued. (Item 15 of Appendix II of the High Court Fees Rules, 1933). 10.00
7. Memorandum of appeal from a final judgement-
When the value of the subject-matter of the appeal does not exceed Rs. 2,500; and 225
For every Rs. 1,000 or part thereof in excess of Rs. 2,500 (Item 44 of Appendix II of the High Court Fees Rules, 1933).
8. Memorandum of appeal from any other judgement or order (Item 45 of Appendix II of the High Court Fees Rules, 1933). 100.00
9. Memorandum of objection-

	Where the value of the subject matter of the memorandum of objections does not exceed Rs. 2,500;	225.00
	And for every Rs. 1,000 or part thereof in excess of Rs. 2,500 (Item 46 of Appendix II of the High Court Fees Rules, 1933).	5.00
10.	Memorandum of objections filed in an appeal against any other judgment or order. (Item 46-A of Appendix II of the High Court Fees Rules, 1933).	100.00
11.	On every citation or summons either to a party or a witness for each person to whom the citation or the summons is directed. (Item 62 of Appendix II of the High Court Fees Rules, 1933)	3.00
12.	On every notice for each person to whom the notice is directed. (Item 63 of Appendix II of the High Court Fees Rules, 1933):	3.00
13.	On every warrant of arrest. (Item 64 of Appendix II of the High Court Fees Rules, 1933).	7.50
14.	On every proclamation for attachment or process of sale. (Item 65 of Appendix II of the High Court Fees Rules, 1933).	5.00
15.	On every warrant of attachment of movable property according to the value of the suit if after or before judgment or the amount decreed in respect of which execution is sought, if the amount or value does not exceed Rs. 1,000.	12.00
	Exceeds Rs. 1,000 but does not exceed Rs. 2,500.	16.00
	Exceeds Rs. 2,500 but does not exceed Rs. 5,000.	20.00
	Exceeds Rs. 5,000 but does not exceed Rs. 10,000.	25.00
	Exceeds Rs. 10,000.	35.00
	(Item 66 of Appendix II of the High Court Fees Rules, 1933).	
16.	On every warrant or order for delivery of possession of property, movable or immovable, if no attachment has taken place, the fee for attachment of the property if attachment has taken place-	
	For movable property;	2.00
	For immovable property when it consists of single parcel.	5.00
	For the like where there are several parcels situated in different places for each parcel. (Item 67 of Appendix II of the High Court Fees Rules, 1933).	3.00
17.	On every warrant of sale of movable property (Item 68 of Appendix II of the High Court Fees Rules, 1933).	2.00
18.	On every warrant of sale of immovable property (Item 69 of Appendix II of the High Court Fees Rules, 1933).	5.00
19.	On every injunction or order not otherwise provided for (item 74 of Appendix II of the High Court Fees Rules, 1933).	5.00

Appendix-IV Fixed Costs

Sl. No.	Description of application of proceeding	Amount where the party appears	
		By Advocate	In person

		Rs. P.	Rs. P.
Interlocutory Application			
1.	When the party appears by an attorney or an advocate-		
	(1) Costs of the applicant;	105.00	...
	(2) Costs of any other party.	75.00	...
2.	When the party appears instructed by an attorney, if the application is in Court -		
	(1) Cost of the applicant;	180.00	...
	(2) Costs of any other party adjournment and daycosts.	90.00	...
3.	On an interlocutory application.	90.00	...
4.	On the trial of suit, appeal or matter in Court.	90.00	...
5.	For arrest.	150.00	63.00
6.	For delivery of specific property.	150.00	36.00
7.	For attachment of any property.	180.00	108.00
8.	In addition to the costs allowable, under Item 7, for attachment of the property upon an application for -		
	(1) Sale of movable property;	225.00	36.00
	(2) Sale of immovable property.	48.00	50.00

Summary Suits

9. (Vide Fees Rules regarding undefended suits)

Appendix - V Allowances to Witnesses

Schedule 1

Ordinary Witnesses

SI. No.	Description of application of proceeding	Per diem	
		Minimum	Maximum
(1)	(2)	(3)	(4)
		Rs. P.	Rs. P.
1.	Merchants, bankers, professional men, members of the covenanted civil service, European or Eurasian gentlemen.	10.00	40.00
2.	Indian gentlemen of Rank and Position.	6.00	20.00
3.	Assistants in mercantile or banking houses.	6.00	20.00
4.	Indian gentlemen.	6.00	10.00

5.	Tradesmen, Auctioneers, Accountants Indian Bankers of Debases, District Munsif, Chief Clerks, Tahsildars, Sarishtadars.	4.00	10.00
6.	Clerks from public office, or mercantile or banking houses.	2.00	6.00
7.	Indian shop keepers, merchants, money lenders, contractors, Village Administrative Officer.	2.00	6.00
8.	European or Eurasian pensioners, bailiffs, artisans journey men or labourers.	2.00	6.00
9.	Indian pensioners, writers, clerks, bailiffs, gumastas, conicapilays, brokers, masirtis, artisans, coolies, labourers, cultivators and like.	1.00	2.00
10.	Female according to their station in life.	1.00	2.00
11.	To produce a document.	2.00	2.00

II

Experts Witnesses

SI. No.	Description of application of proceeding	If costs are taxed on	
		Lower Scale	Higher Scale
(1)	(2)	(3)	(4)
12.	For qualifying to give evidence.	10 to 50	15 to 100
13.	Attending Court on trial, per diem.	10 to 20	15 to 30

Civil Rules of Practice and Circular Orders -Volume-1Part - II Rules Made Under Special

EnactmentsChapter -1 Rules under the Tamil Nadu Court-Fees and Suits Valuation Act, 1955A. -

Court-Fees and Court-Fee Stamps.I. - Computation of fees payableI. Valuation in a suit for recovery of Lands only (and not buildings). - In a suit for land, except in cases to which clauses (a) to (f) of sub-section (2) of section 7 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 apply, the valuation should be based on the value of the lands, trees and the wells taken together.II. Rules for the stamps to be used. - (a) Adhesive Stamps and impressed Stamps when to be used respectively. - (i) When in any case the fee chargeable under the said Act is less than Rs. 25 such fee shall be denoted by adhesive stamps bearing the words "Court-fee" and containing three lines in the middle with Ashoka Chakra Emblem and value printed on the left side, or adhesive stamps of any shape, size or pattern bearing words "Court-fees" which may hereafter be issued for use in supersession, of or in addition to, the adhesive stamps now in use.(ii)When in any case the fee chargeable under the said Act amounts to or exceeds Rs. 25 such fee shall be denoted by impressed stamps bearing the words "Court-fees", adhesive stamps being only employed to make up fractions of less than Rs. 25.(b)Single stamps to be used as far as possible. - (1) When in the case of fees amounting to less than Rs. 25, the amount can be denoted by a single adhesive stamp, such fee shall be denoted by a single adhesive stamp of the required value. But, if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available, the next lower value available shall be used and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values, which may be required to make up the exact amount of the fee.(c)When, in the case of fees amounting to or exceeding Rs. 25, the amount can be denoted by a single impressed stamp, the fee shall be denoted by a single impressed stamp of the

required value. But, if the annum cannot be denoted by a single impressed stamp, or if a single impressed stamp of the required value is not available, an impressed stamp of the next lower value available, shall be used, and the deficiency shall be made up by the use of one, or more additional impressed stamps of the next lower value available which may be required to make up the exact amount or the fee in combination with adhesive stamps to make up fractions of less than Rs.

25.(3)Any adhesive stamp which may be used under the foregoing rule (2) shall be affixed to the impressed stamp of the highest value employed in denoting the fee.(4)When two or more impressed stamps are used to make up the amount of the fee chargeable under the Court-Fees and Suits Valuation Act, a portion of the subject-matter shall, ordinarily, be written on each stamped sheet. Where this is impracticable or seriously inconvenient, the document shall be written on one or more sheet bearing impressed stamps of the highest value, and the remaining stamps shall be punched and cancelled by the Court or its Chief Ministerial Officer and attached to the grant, a certificate being recorded by the Court or its Chief Ministerial Officer on the face of the first sheet of the documents to the effect that the Court ice (Rs..) has been paid in stamps. The writing on each stamped sheet shall he attested by the signature of the person or persons executing the documents.(5)When one or more impressed stamps used to denote a fee are found insufficient to admit of the entire document being written on the side of the paper which bears the stamp, so much plain paper may be joined thereto as may be necessary for the complete writing of the document and the writing on the impressed stamps and on the plain paper shall be attested by the signature of the person or persons executing the document.(6)In the blank space left in the adhesive stamps, the vendor shall insert the name of the purchaser, the date of sale and his own ordinary signature.III. Monetary limit up to which R.D.Os., Tahsildars and Deputy Tahsildars can exercise powers of Collector under section 78 of the Act. - The powers of the "Collector" in section 78 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) in the matter of making allowances for damaged or spoiled stamps shall be exercisable by all Revenue Divisional Officers and all Tahsildars and Deputy Tahsildars in independent charges up to the monetary limit specified below subject to the conditions and restrictions laid down in the Standing Orders issued with the Board's Proceedings specified in the note below:-Revenue Divisional Officer - Rs. 500 (Rupees five hundred only).Tahsildars and Deputy Tahsildars - Rs. 300 (Rupees three hundred only).

1. B.P. No. 2986, dated 8th August 1984.

2. B.P. No. 206, dated 3rd March 1888.

3. B.P. No. 245, dated 10th May 1890.

4. B.P. No. 11, dated 14th March 1893.

5. B.P. No. 434, dated 9th September 1895.

- 6. B.P. No. 42, dated 24th February 1899.**
- 7. B.P.No.198, dated 31st July 1900.**
- 8. B.P. No. 610-R, Ms., dated 7th April 1905.**
- 9. B.P. No. 28/461-R, Salt, dated 6th February 1908.**
- 10. B.P. No. 132/770-R, Vis., dated 9th June 1909.**
- 11. B.P. No. 165/1105-R, Ms., dated 7th September 1912.**
- 12. B.P. No. 750-R, Ms., dated 22nd May 1915.**
- 13. B.P. No. 352-R, Ms., dated 6th March 1915.**
- 14. B.P. No. 158/567-R, Ms., dated 27th April 1916.**
- 15. B.P. No. 62-D, Ms., dated 11th January 1918.**
- 16. B.P. No. 20/408-R., Ms., dated 25th March 1919.**
- 17. B.P. Ms. No. 512, dated 29th August 1935.**
- 18. B.P. Ms.No. 1557, dated 7th May 1936.**
- 19. B.P. No. 507, dated 29th February 1940.**
- 20. B.P. No. 1066, dated 13th May 1942.**
- 21. B.P. Ms. No. 933, dated 21st June 1945.**

IV. Commencement of Tamil Nadu Court-Fees and Suits Valuation Act, 1955. - In exercise of the powers conferred by sub-section (3) of section (1) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955), the Governor of Tamil Nadu hereby appoints the 19th May 1955, as the date on which the said Act shall come into force.V. Court-fees stamps of Tamil Nadu State alone to be used. - In exercise of the powers conferred by sub-section (1) of section 82 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955), the Governor of Tamil Nadu hereby makes the following rule:-Court-fee stamps purchased in the Tamil Nadu State shall alone be used for the payment of all fees chargeable under the Tamil Nadu Court-Fees and Suits Valuation Act, 1955.VI. Form for determination of market value of the subject-matter of

the suit under section 10 of the Court fees Act. - In exercise of the powers conferred by section 82 read with section 10 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955), the Governor of Tamil Nadu hereby makes the following rule:-The Statement of particulars of the subject matter of a suit and the plaintiffs valuation thereof referred to in section 10 of the said Act shall be in the form annexed to this rule and shall contain the particulars mentioned thereunder. Annexure Form Particulars of Immovable Property (Cause title) Valuation of immovable property for the purposes of Court-fees

Section and sub-section of the Act	Nature of suit	The annual assessed revenue/lease/ rent payable for the lands	Market value	Value for the purposes of Court-fees
(1)	(2)	(3)	(4)	(5)

Instruction-I. - In the case of lands, the market value of which is to be fixed under section 7(2) of the Act, the following particulars should be furnished:- (i) In the case of lands coming within the scope of section 7(2)(a) to (c) and (f) of the Act, the annual survey assessment revenue or rent payable for the lands should be given. (ii) In the case of lands which are "Estates" within the meaning of section 7 (2) (d) of the Act "the peishkush" recorded in the Collectors' Registers or if no peishkush is recorded, the annual melwaram realisable from the Estates should be furnished. (iii) In the case of "Minor Inam hands", the assessments noted in the Village 'B' Register should be furnished. II. In the case of immovable properties not covered by instruction I above, the following particulars should be furnished:- (a) In the case of lands other than building sites, buildings, gardens- (i) the market value as estimated by the plaintiff with details as to how it is calculated; (ii) the annual net profits realised or realisable from the lands for the three years preceding the date of plaint. (b) In the case of building sites, buildings, gardens, etc. - (i) the market value as estimated by the plaintiff with details as to how it is calculated; and (ii) the annual rental value of the property as entered in the register of the Municipality or the Panchayat, if any, within whose jurisdiction the property is situated. III. In addition to the particulars required by Instructions I and II above, the plaintiff may also furnish such additional information which he considers material to his own valuation. VII. Collection of Court-fee refunded in cases where remand orders are set aside. - In exercise of the power conferred by sub-section (1) of section 82 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) the Governor of Tamil Nadu hereby makes the following rule:- Where under section 67 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955), a party obtains refund of the Court-fee paid on a Memorandum of Appeal and where on further appeal or revision, the order of remand is set aside and the appeal is remanded to the lower Appellate Court, the Court setting aside the order of remand shall direct that the Court-fee originally paid and subsequently refunded to the party shall be repaid by him. Where under section 67 of the said Act, a party obtains refund of the fee paid on a, second appeal and the fee paid on the first appeal preferred to the lower Appellate Court or the fee paid on the second appeal alone, as the case may be, on a remand order passed by the High Court in the second appeal, the Court-fee so refunded in pursuance of the first mentioned order shall be directed to be repaid by the party who had taken the refund. VIII. Determination of market value under section 7 of the Act. - In exercise of the powers conferred by sub-section (1) of section 82 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955), the Governor of Tamil Nadu hereby makes the

following rules:-(1)When a part of an estate paying annual revenue to the Government under a settlement which is not permanent is recorded in the Collector's Register as separately assessed with such revenue, the value of the subject, matter of a suit for the possession of, or to enforce a right of presumption in respect of a fractional share of that part shall, for the purposes of the computation of the amount of the fee chargeable in the suit, be deemed not to exceed five times such portion of the revenue separately assessed on that part as may be rateably payable in respect of the share.(2)The market value of part of a land falling under clauses (b) to (f) of section 7 (2) of the above mentioned Act and which has not been separately assessed to revenue shall be determined in accordance with the following principle, namely:-Where the land forms part of a survey field and is not separately assessed to revenue, the value of such part shall be deemed to be thirty times such proportion of the survey assessment as the part bears to the entire survey field.Explanation. - Lands in the areas in which the Malabar Tenancy Act, 1929 (Tamil Nadu Act XIV of 1930) is in force shall be regarded as ryotwari lands.IX. Court-fee, in suits by Religious Trusts. - In exercise of the powers conferred by section 73 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955), the Governor of Tamil Nadu hereby reduces to a maximum of rupees fifteen, the fee payable under the said Act in respect of suits filed by all Religious Trusts to recover possession of immovable property.X. Court-fee in suits by Tamil Nadu Wakf Board. - In exercise of the powers conferred by section 73 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955), the Governor of Tamil Nadu hereby reduces to a maximum of rupees fifteen, the fees payable under the said Act in respect of all fresh suits filed for setting aside the sale deeds to recover the properties compromised by the erstwhile Tamil Nadu Wakf Board during the period from 1971 to 1976. This concession shall be made applicable only for a period of two years on and from the date of publication of this notification in Tamil Nadu Government Gazette.XI. Refund of Court-fee paid by mistake or inadvertence, etc. - (i) When a suit is filed for the recovery of a debt in ignorance of an application filed earlier for a declaration of the amount of the debt due under sub-section (1) of section 19-A of the Tamil Nadu Agriculturists' Relief Act, 1938 (Tamil Nadu Act IV of 1938) and the suit is rejected in pursuance of sub-section (9) of that section, 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 which rejected the suit is situated, together with a certificate from the court which dismissed the suit that it was dismissed under the circumstances above described.(ii)When a plaint presented to any Civil or Revenue Court is returned for compliance of certain defects and such plaint has not been re-presented, but a fresh plaint has subsequently been duly presented on the same cause of action, or(iii)When a plaintiff withdraws from a suit or abandons a part of a claim with the permission of the Court to institute a fresh suit on the same cause of action in respect of the subject-matter of the suit or part of the claim so abandoned, and has presented a fresh suit accordingly, the Court shall give a certificate recommending the refund of the Court-fee paid on the former plaint or part of the claim abandoned, as the case maybe, and on application made by the plaintiff to the Collector of the district in which the Court is situate together with the certificate specified above, the refund of the Court fee as recommended in the certificate shall be made.XII. Refund of Court-fee under section 69 of the Act. - A question has been raised as to the meaning of the (half the amount of all fees paid in respect of the claim or claims in the suit) occurring in section 69 of the Court-Fees Act, 1955 and also as to whether only half the amount of fees paid on the plaint is refundable under that section or half the amount paid on Vakalatnamas, process fees, fees fixed to certified copies of proceedings filed along with the plaint, etc., is refundable.The High Court considers that the expression "fees

paid in respect of the claim or claims in the suit" in section 69 of the Court-Fees Act, 1955 does not include the stamp on the vakalat, process fee or fees on enclosures to the plaint, i.e., documents filed along with the plaint nor on interlocutory applications pending the suit. It has to be remembered that the words of section 69 are not "fees" paid in respect of the suit, but fees in respect of "claims" in the suit. The word "claim" carries out the same idea as the word "relief" in section 6 of the Act. The refund will refer only to the fees paid on the plaint which will include fees paid on written statements as well (vide section 8 of the Court-Fees Act) and other claims subsequent to the plaint.

Circular OrdersI. Cancellation of Stamps

1. Check of Stamps on papers received by Chief Ministerial Officer and their punching under his immediate supervision. - All applications, petitions, etc., intended for presentation to the lower Court shall be presented to the Court itself or to its Chief Ministerial Officer, whose duty it will be to examine and punch the stamps, and who will be held responsible for the receipt of any stamps which have previously been used.

The District Judges are requested to make it a rule, for strict observance in the Courts within their jurisdiction that the Serishtadar in the Superior Courts and Head Clerk in the District Munsif's Courts, shall personally attend to, and be personally responsible for the strict fulfilment of the duty of receiving documents to be filed, examining the correctness of the stamps attached thereto and immediately cancelling such stamps as required by section 77 of the Court-Fees Act, 1955. There will be no objection to the Ministerial Officers named employing trust-worthy subordinates to do the mere manual work of cancelling the stamps, but it will be on the distinct understanding that the Serishtadars or the Head Clerks, as the case may be, will be personally responsible for the due execution of the duty and for any defalcation or fraud that may occur in connection with it. The District and Subordinate judges and District Munsifs are expected so to inspect and test the work of their officers, from time to time, as to ensure attention to the duty and to limit opportunities for fraud.

2. Cancellation of adhesive Court-fee labels to prevent re-use thereof. - The following instructions are issued with regard to the best method of cancelling adhesive stamps Court-fee labels so that they may not be fraudulently used again.

(a) Second punching thereof by the Record-Keeper. - Under section 77 of the Court-fees Act, Court-fee labels are cancelled by punching out the figure head but this does not perhaps afford sufficient protection. It is, therefore, directed that the Record-Keeper of every Court shall when a case is decided and record consigned to his custody, punch a second hole in each label distinct from the first and note the date of his doing so at the same time. The second punching should not remove so much of the stamp as to render it impossible, or difficult to ascertain its value or nature. The above directions apply only to adhesive labels used under the Court-fees Act. Impressed stamps used for denoting Court-fees need not be cancelled or punched otherwise than as required by section

77 of the Court-fees Act. Under the provisions of the Court-Fees Act, the cancellation of stamps must be effected by the Court or Office receiving the document to which a stamp has been affixed. (b) Labels affixed to certified copies, certificates, etc., should be cancelled before issue. - The Court or Office issuing copies, certificates or other similar documents liable to stamp duty shall before use, cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure head nor that part of the label upon which its value is expressed. As an additional precaution, the signature of the Officer attesting the documents with the date should be written across the label and upon the paper on either side of it as is frequently done by the persons signing stamped receipts. (c) Second punching thereof by the Court on receiving them and third punching on being consigned to the record. - The Courts issuing the certified copy or certificate should, before issue, cancel the labels affixed thereto by punching out a portion of them but not the figure-head or that part upon which their value is expressed, the attesting officer also writing his name and date across them, and it is the Court in which such certified copy or certificates is produced, that should require the receiving officer at once to punch out the figure head as directed by section 77 of the Court-Fees Act before the document is filed or acted on. When the copy or certificate is with the record of the case in which it is filed, transferred to the custody of the Record-Keeper, he should punch a third hole in each label distinct from the previous two holes and at the same time note the date of his doing so. He need not necessarily write across the stamp, though it will be well to do so, if there still room.

3. Record-Keeper to examine papers as soon as they are consigned to his custody and on each occasion on which they are received back after being taken for reference. - On receiving stamped documents into the record room, the Record-Keeper shall examine the stamps, report if they are incorrect, note any erasures or suspicious appearances they may present and be held responsible for their safe custody thereafter. If a record or any document forming part of a record is taken from the record room for any purpose, it shall be his duty to denote to whom and for what purpose, it has been delivered and on its return to examine it and ascertain if it be in the same condition in which it was issued from his office and if it be not in the same condition, to bring the circumstances to notice.

(H.C. Cir. 2131 of 1881.)

4. Stamps affixed to documents to be punched before any action is taken. - The attention of the Presiding Officer is drawn to the instructions laid down in the Standing Order No. 83 contained in Chapter VII of the Stamp Manual (4th Edition) under which it is the duty of every Officer before whom a document bearing an adhesive stamp labels is produced to see that it has been properly punched and cancelled before any action is taken on it. The rule laying down that every person who submits for orders a document

bearing adhesive stamps shall be responsible for seeing that it has been duly punched, should be strictly enforced. There is reason to believe that serious loss of revenue is caused by the improper use a second time of the adhesive stamps which have not been duly cancelled on first presentation.

Standing Order No. 86 (Now 83). - Every Officer presiding over a Court of office and receiving a document liable to stamp duly under the Court-Fees and Suits Valuation Act and stamped with adhesive stamps should, after satisfying himself that the document is properly stamped, see that a date stamp is applied to it in such a manner as to cover for touch some part of the stamps, but not in such a way as to obliterate the entries thereon or to render the detection of forgeries more difficult. The stamps should then be cancelled by punching out the figure-head. The punch used for this purpose should be large enough completely to remove the figure-head.

5. Instruction to prevent re-use or re-introduction of old punched adhesive stamps. - In order to prevent fraud on the part of the Ministerial Servants in a Court or Office who might connive at old punched adhesive stamps being re-introduced, the Record-Keeper of every Court or Office shall, as soon as the record is made over to his custody, punch a second hole in each adhesive label with a wedcutter punch of Diamond shape before putting the document into the record room. The second punching should not remove so much of the stamp as to render it difficult to ascertain its value or nature. Impressed stamps used for denoting Court-fees need not be cancelled or punched otherwise, than as required by section 77 of the Court-fees Act.

Standing Order No. 88 (Now 85). - It is the duty of every Officer to whom a document liable to stamp duty under the Court-fees Act is submitted for order to see that any adhesive stamps thereon have been properly purchased. The section head or other responsible Ministerial Officer submitting papers for orders shall see that all adhesive stamps thereon contained have been punched and defaced as directed in Standing Order No. 83 and any section head or other Ministerial Officer submitting a document bearing an unpunched adhesive stamp shall be required to pay the value of the stamp. Officers receiving documents liable to stamp duty under the Court-Fees Ad should also look at the date of sale recorded on adhesive stamps and if they find that the date of sale as recorded on the stamp is suspiciously remote, they should enquire into the history of the stamp.

6. Stamps in excess of legal requirements-Punching of refund of the excess value. - All stamps affixed to documents received in Courts, including those in excess of legal requirements, should invariably be punched. The party' who has affixed stamps in excess will be allowed a refund of their value less 5 paise in the rupee or 10 paise according as the stamps are Judicial or Non-judicial, except in cases in which the amount of the excess value is less

than a rupee. Stamps affixed in excess should on no account be removed from the documents and returned to the party, but the Presiding Officer of the Court will give him a certificate in (Form No. L - 1st Portion) Appendix II to the Stamps Manual (4th Edition) to the effect that he is entitled to receive back their value less discount within 90 days at a specified Treasury and at the same time send an advice in Form No. L - 2nd portion to the Treasury Officer. The certificate will become null and void after the expiry of the 90 days and refund will not be admissible thereafter.

The Presiding Officer of the Court will note under his initials, the date and number of the certificate on the stamps affixed in excess so as to prevent fraud. (Adapted from High Court Dis. 1328 of 1916.) The following instructions are issued with regard to the deduction of 5 per cent provided for in section 78 (1) of Tamil Nadu Court-Fees and Suits Valuation Act, 1955, on the refund of Court-fee ordered by court in pursuance of a clarification sought for as to whether the bills for refund of Court-fees contemplated under section 78 (2) of Tamil Nadu Court-Fees and Suits Valuation Act, 1955, and rule 3 of the Tamil Nadu Court-Fees Refund (By Order of Court) Rules, 1976, may be presented by the Court after making the deduction of 5 per cent or without making such deduction. Section 78(1) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955, deals with the case of damaged or spoiled stamps and it has nothing whatever to do with the Court-fee directed to be refunded by an order of court. Sub-section (2) of section 78 of the aforesaid Act deals with the Court-fee directed to be refunded by an order of Court and it states that such refund shall be given effect to in such manner and subject to such conditions as may be prescribed. Rule 3 of the Tamil Nadu Court-Fees Refund (By Order of Court) Rules, 1976 framed by the Government under section 82(2) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955, deals with the certificate to be issued by the Court and the form of the bill expressly refers to the deduction as per section 78 of the Court-Fees Act. From this, the necessary inference is that the Government have prescribed under section 78(2) of the aforesaid Act that the refund of the Court-fee ordered by the Court must be subject to the deduction contemplated by section 78(1) of the aforesaid Act. In view of this, the Court which issues a refund certificate will have to provide for the deduction. The High Court, therefore, directs all the Subordinate Courts to see that while directing the refund of the Court-fee, they make an order that such refund is subject to the deduction provided for by section 78(1) of the aforesaid Act.

7. Checks against fraud. - The attention of all Judicial Officers is invited to the rules intended to serve as checks against stamp fraud, published at pages 405 to 407 of the Stamp Manual, 4th Edition. The High Court considers that in addition to the strict observance of those rules, it is necessary that adhesive stamps should not be allowed to be affixed on papers in a way so as to overlap each other. Unless this precaution is observed, it is possible to introduce old punched adhesive stamps by affixing them on papers in such a way as to cancel the second diamond punch hole made in them by the

Record-Keeper and the rule requiring the Record-Keeper to make such diamond punch hole in the adhesive stamps would be rendered in effective as a protection against fraud.

II. Reporting cases of infringement of the rules for the sale of stamps. All Officers presiding over Civil Courts are requested to bring to the notice of the Revenue Divisional Officers cases which may come to their notice of infringement of note 2 to rule 37 contained at pages 321 and 322 of the Stamp Manual, 4th Edition, prohibiting a licensed vendor from attempting to supply a stamp higher in value than the highest he is authorised to sell, by the sale of a number of impressed sheets of lower value. They are not expected to hold any inquiry as to whether the rule has been actually infringed or not, but merely to give information of the cases to Revenue Department with the particulars such as the serial numbers of the stamps, their value, date of their sale and name of the vendor and purchaser appearing on the stamps themselves. III. Levy of stamp duty under Article 24, Schedule I of the Stamp Act on certified copies granted by Courts. It has come to the notice of the High Court that the practice prevailing in regard to the levy of stamp duty on certified copies granted by Courts is not uniform. The High Court directs that the instructions given below be observed so as to secure uniformity of practice.

2. Copies coming under Articles 5, 7 and 9 of Schedule II to the Court-fees Act are not liable to stamp duty under Article 24 of the Stamp Act as they do not cease to be chargeable under the law relating to the Court-fees within, the meaning of Article 24 of Schedule I of the Stamp Act by the mere fact that Court-fees thereon have been remitted by the Government by Notification No. 358, dated 10th September 1921. They would, however, be liable to Court-fee if filed in Court subsequently.

3. The High Court considers that Article 9 of Schedule II of the Court Fees Act does not apply to all documents generally. The words "or the like" suggest the application of the ejusdem generis rule of constructions and must be taken to cover only documents akin to those mentioned previously, viz., account, statement and report. The characteristic feature of these three classes of documents that distinguishes them from other documents seems to be that when presented in or before a Court or Office, they become (whether they are private documents filed by parties or proceedings of quasi-public officers) part of the record of the Court or Office unlike documents such as deeds or letters or account books which though exhibited in Court or filed in an Office, are ultimately returned to the party. By way of illustration, the following documents may be mentioned as coming under this category accounts, statements, etc., filed by parties in suits for

partition, partnership, administration, etc., in which after the preliminary decree, a party is called upon to file statements of accounts or statements surcharging or falsifying accounts or inventories of properties, etc., filed by the opposite party. "Statement" would include even affidavits, as in every affidavit the deponent makes a statement. A Commissioner's report and a Village Officer's Report may also be covered by the Article. Statements by private parties before an Inam Commissioner or a Revenue Officer would be governed by the Article, as also statements and accounts filed by a land-holder under section 80 of the Tamil Nadu Local Boards Act.

4. It will therefore follow that certified copies of all documents other than those coming under Article 9 of Schedule II of the Court-Fees Act are chargeable with stamp duty under Article 24 of Schedule I of the Stamp Act, i.e., they should be granted by Courts only on production of the requisite non-judicial stamp paper together with the copy stamp papers required under the Copyist Rules. No Court-fee stamp need be affixed to such certified copies when they are filed in any proceeding before a Court.

5. Where certified copies of documents other than those enumerated in Article 9 have been granted without non-judicial stamp paper having been furnished and have been already admitted in evidence and marked as exhibits, their validity cannot be questioned (vide section 36 of the Stamp Act). But, with regard to such certified copies which have been filed in Courts but not exhibited, the parties should be directed to take them back and get them re-certified by the proper officer after furnishing the requisite non-judicial stamp paper. Certified copies of documents other than those coming under Article 9 of Schedule II of the Court-Fees Act shall not be received hereafter by any officer of Court without verifying whether proper stamp duty has been paid thereon,

B. Process Fees and Poundage

1. The following Schedule of fees is prescribed under section 80 (1) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) for serving and executing the processes issued by all Civil Courts established within the appellate jurisdiction of the High Court.

of Process Fees

Name of Process	Amount leviable in Small Cause Suits and execution and other proceedings arising therefrom	Amount leviable in all other suits and proceedings of any Court including a Revenue Court
(1)	(2) Rs. P.	(3) Rs. P.
I. For each summons' or Notice.	3.50 (Three rupees and fifty paise)	3.50 (Three rupees and fifty paise)
(a) When sent by registered post for each defendant, respondent or witness.		
(b) When served by an Officer of Court or sent by post to any other Court for service		
(i) On a defendant, respondent or witness	1.50 (One rupee and fifty paise)	2.25 (Two rupees and twenty-five paise)
(ii) On every additional defendant, respondent or witness, residing in the same revenue village if the process be applied for, at the same time.		
(c) When handed over to a party for service on a witness or witnesses, one half of the fee under clause (a) supra.		
Explanation-1.- In cases in which there are several minor defendants or respondents represented by a single guardian, there shall be a single service upon such guardian and only one fee shall be chargeable therefor.		
Explanation-2.- When a process under clause (a) or (b) supra is to be sent to any country outside India by Air Mail, the amount of fee leviable shall be 75 paise (Paise seventy-five only) plus the actual postal charges which shall be deposited by the party in the shape of postal stamps.		
II. For every warrant -		
(a) of arrest in respect of every person to be arrested;		
(b) of attachment in respect of every such warrant;	2.25 (Two rupees and twenty-five paise)	4.50 (Four rupees and fifty paise)
(c) of sale in respect of every such warrant;		
(d) of delivery of possession in respect of every such warrant.		

With an additional fee for the service of every officer including a Revenue Officer, entrusted with the warrant for each day after the second day, beginning with the day on which the warrant was issued.

1.50 (One rupee and fifty paise).

1.50 (One rupee and fifty paise).

III. For proclamation, injunction or order and every process not otherwise provided for.

2.25 (Two rupees and twenty-five paise)

4.50 (Four rupees and fifty paise)

An additional fee being leviable after the second day as mentioned under item II above.

IV. For every process in execution of a village Court's decree.

1.15 (One rupee and fifteen paise)

1.15 (One rupee and fifteen paise).

Explanation.- If the process is not executed, no further fee for re-issue shall be levied.

V. In respect of sales, a fee by way of poundage on the purchase money calculated at 6 per cent (six per cent) upto Rs. 1,000 (Rupees one thousand only) and 3 per cent (three percent) above Rs. 1,000 (Rupees one thousand only).

Explanation.- (1) For processes applied for and ordered to be executed as emergent, the fee shall be the ordinary fee and half as much again.

2. Each process shall be paid for according to the time which it really occupies. The party must not be charged for time occupied in serving processes other than his own, but he must pay for all the days which his own process or processes would have occupied, if it or they had alone been entrusted to the server. When one applicant puts in several processes to be executed at the same time in the same locality, the charge for any additional days occupied on such processes may be distributed over them.

3. The additional fee to be levied under items II and III of the above Schedule for each day after the second shall ordinarily be collected in advance, the journey being calculated at the rate of 48 kilometres a day.

4. The Officer appointed to receive applications for issue of process shall punch the Court-fee labels affixed to such applications and shall endorse a note on the process to be served by another Court that the proper fee for the issue was levied.

5. When process is forwarded by any Court in any of the States in India to a Court subordinate to the High Court for execution, such subordinate Court shall accept the certificate endorsed on the process as sufficient proof that the proper fee for the issue thereof has been paid and shall deliver such process to the proper officer for service and shall re-transmit the process to the Court, by which such process was transmitted to it, with a return in Form No. 10, Appendix-13, Schedule-I, Civil Procedure Code, 1908, and with the endorsement of the process-server, showing, if service has been effected, in what manner it has been effected; and if service has not been effected, the reason why it has not been effected; and such endorsement shall be verified by oath or affirmation of the process-server.

6. Warrants and other processes to be executed by the Court of Small Causes, Calcutta, shall have endorsed thereon a certificate to the effect that conveyance charges at the rate of Rs. 1.50 (One rupee and fifty paise) for each warrant and 25 paise (twenty-five paise) for each summons have been duly collected. Otherwise, such warrants and processes will be returned unexecuted by the Court.

7. Unspent process fees in one suit shall not be utilised either in the same suit or in other suits.

II. Calculation of Poundage(1)Poundage to be charged on each lot. - The High Court is of opinion that poundage should be calculated on sale-proceeds of each lot separately.(H.C. Pro. 661 of 1903)(2)Poundage on bids by Decree-holders. - Rule 200 of Chapter IX, Part 1 supra provides that "if the applicant purchases the property with the leave of the Court, and is allowed to set off the purchase money against any sum due to him he shall pay the amount chargeable as poundage to the person appointed to sell the property, as soon as he is declared to be the purchaser". This rule ought to be followed also in cases, where the purchase money exceeds the amount mentioned in the warrant, credit being of course given for the poundage fee afterwards when the purchase money is adjusted.(H.C.Dis. 943 of 1909)(III)Refund of Poundage and Process Fees

1. When more than the amount required for the service of process is deposited, or when issue of process becomes unnecessary after deposit, the Courts are authorised to refund to the depositor the amount of the surplus fees in money and to charge the same to the contingent fund.

(H.C.Cir. 1229 of 1873)

2. It has come to the notice of the High Court that refunds of poundage and process service fees are sometimes treated as judicial refunds under 19-A Law and Justice. Such refunds should be treated as refunds of Stamp Revenue and debited to "1. Refunds - Revenue Refunds - Stamps - Surplus Process Fees".

The High Court prescribes the form appended to this Circular (vide Form No.7, Appx. III-B, Part II of Vol. II) for adoption in all districts in refunding poundage and process fees. (A refund shall in the first instance, be made from the permanent advance with the Head Ministerial Officer and shall be recouped by means of contingent bills, headed "Refund of Process and Poundage Fees", drawn on the Treasury at the end of the month). The refund vouchers in the form now prescribed should be attached to the contingent bills, even when they are for sum of Rs. 1.0 and less, and the vouchers should, on no account, be cancelled or destroyed as in the case of sub-vouchers for ordinary contingencies. The Officer sanctioning a refund should, at the time of signing the refund order, exercise the necessary check by comparing the voucher with the entries in the registers maintained in the Court. When a refund has to be made after a process has been transmitted for service from one Court to another, the refund order should be forwarded to the Judge of the Court in which the process fees have been deposited with a request that the amount of the refund may be paid from his permanent advance instead of the order itself being made directly payable from the Treasury, (H.C. Dis. 696 of 1901, as amended by H.C. Dis. 782 of 1917)

3. Applications for refund of process fees shall be made before the expiry of six months from the date on which the process fees were paid into Court; on applications made thereafter, a penalty of five paise in the rupee or a fraction of a rupee shall be levied when making refund.

(G.O. 3298. L. (G), dated 6th August 1982 (H.C.P. Dis. 39 of 1935).C. Rules relating to Service of ProcessesThe following rules are issued under section 80(1) of the Tamil Nadu Court-fees and Suits Valuation Act, 1955, to provide for the service and execution of processes issued by the Civil Courts outside the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of name) Act, 1996 (Tamil Nadu Act 28 of 1996).] in the State of Tamil Nadu.I. Central Nazirats. - There shall be one general establishment of amins and process servers for the execution and service of processes issued by all the Civil Courts at the following stations and at such other places as the High Court may hereafter direct:-Vellore, Cuddalore, Chengalpattu, Coimbatore, Dindigul, Madurai, Sivaganga, Salem, Nagapatnam, Mayiladuthurai, Kumbakonam, Thanjavur, Tirunelveli, Tuticorin, Tiruchirappalli and Pudukkottai.Such establishment shall be under the immediate direction of a Central Nazir and the control of the District Judge or of the Subordinate Judge in the event of a Central Nazir being established at any station where there is no District Judge.II. Deputy Nazir at Outlying Stations. - At all other stations, the process establishment shall be under the immediate directions of a Deputy Nazir who shall be under the control of the District Munsif having jurisdiction at such station:Provided that where the Deputy Nazir serves two or more permanent Courts, the senior Judge of the Superior Court shall exercise control, and the Nazir shall be part

of the establishment of that Court.III. Travelling Allowance. - The amins and process servers shall be eligible for a fixed travelling allowance of Rs. 30 per mensem provided that 12 day in a month are spent by them on process work, appropriate deduction being made for short touring. Days on which journeys within a radius of 8 kilometres performed by the amins and process servers, shall also be taken into account in arriving at the minimum number of days spent on process work in a month.IV. Security. - Each General Nazir shall furnish security in a sum of Rs. 1,000, each Deputy Nazir in a sum of Rs. 500, each amin in a sum of Rs. 300 and each process server in a sum of Rs. 100.V. Officers to whom processes should be transmitted for service. - The proper officers to whom processes shall be transmitted for service under Order V, Rule 9 of the Code shall be-a. The Central Nazir in respect of all processes issued by any Court. located or having jurisdiction at a station where there is a Central Nazir, for service within the jurisdiction of a Munsif located at such a station.b. The Deputy Nazir, at stations where there is no Central Nazir, and in respect of processes issued by any superior Court for service within the jurisdiction of an outlying Munsif.VI. Presentation of application for issue of processes and procedure thereafter. - (1) All applications for the issue of processes except those for the issue of emergent processes, whether money is deposited with them or not, and except those (accompanied with processes prepared or not) presented along with plaint, memorandum of appeal, cross-objection or application to the Chief Ministerial Officer, shall be presented to the Central or Deputy Nazir, who shall enter them in a register in the form prescribed. Where money is deposited, it shall be paid to the Central or Deputy Nazir, who shall grant a receipt to the party, out of his receipt book, in the form prescribed (Vide Civil Register No. 51 (old) New No. 41). Tie shall maintain as many receipt books and as many registers as there are Courts whose processes are served by him.

2.

(2)The applications shall next be entered in a register in the form prescribed (Vide Civil Register No. 53-A. (Old) New No. 44) and forwarded to the Clerk in charge of the records of the suit or proceeding to which the process applications relate, who shall return them with the copies of plaints, etc., if any, to be delivered to the defendants and such records as may be necessary for the correct preparation of the processes. The process writer shall then prepare the processes in the order of receipt of applications and return the records when no longer required to the Record Clerk and obtain his acknowledgement.The Clerk in charge of the concerned records shall, as a rule, return the process memoranda to the process-writer within two days of the receipt by him. The process-writers shall prepare the processes without delay and within the time limit prescribed below:-

Summons and notices. - 2 days
 All Warrants. - 2 days
 Proclamation of sales. - 3 days

3.

(3) Whether the High Court, from time to time, directs that the preparation of processes issuing from any specified Court shall be under the supervision of the Chief Ministerial Officer of the Court instead of under the Central or Deputy Nazir, the Central or Deputy Nazir shall, after entering in his register, applications relating to the issue of such processes, transmit them daily at 3 p.m., or such hour as the District Judge may fix, to the Chief Ministerial Officer of the Court concerned with Register C (Vide Civil Register No. 53-A (Old) New No. 44). The Chief Ministerial Officer shall prepare the processes daily and return them with documents or copies of documents, if any, which have also to be served along with the processes at 1 p.m., or such hours as the District Judge may fix, to the Central or Deputy Nazir for service.

4. Emergent processes. - Applications for the issue of emergent processes shall be made direct to the Court concerned and the Court ordering the issue of such processes may direct one of its own officers to receive the process memoranda direct from the party or his pleader. The processes shall then be prepared urgently under the supervision of the Chief Ministerial Officer of the Court, and the process memoranda with the process shall then be transmitted urgently to the Central or Deputy Nazir

for entry in his 'B' Register (Vide Civil Register No. 53 (Old), New No. 43) and emergent execution of the processes.

5.

(5) Application for issue of process (accompanied with processes prepared or not) presented along with the plaint, memorandum of appeal, cross-objection or application shall, after the plaint, memorandum of appeal, cross-objection or application has been admitted, be transmitted to the Central or Deputy Nazir who will enter them in 'B' Register (Vide Civil Register No. 53 (Old), New No. 43).a. Note. - (a) Verification of the balance in Nazir's 'B' Register by the Judge. - Since the Process Registers A and AA are no longer maintained by the Chief Ministerial Officer of the Court, and the Nazir, or Deputy Nazir have been made solely responsible for the receipt of money connected with the issue of processes, the High Court directs that, in future, the daily balance shown in the new Process C Register (Civil Register No. 53 (Old), New No. 43) shall be verified by the Presiding Judge of the Court to which the Nazir is attached at least once a month. Note (a) to rule VI (5) of the Process Service Rules prescribes that the Presiding Officer of a Court to which a Nazir is attached should verify the daily balance shown in the Nazir's B Register (Civil Register No. 53 (Old), New No. 43) at least once a month. In spite of this provision, defalcations by Nazirs have occurred. The defalcations might have been prevented by a check of the cash balance in the Nazir's B Register (Civil Register No. 53 (Old) New No. 43) with the Nazir's Cash Register (Civil Register No. 53-B (Old) New No. 45) and the process Register C (Civil Register No. 54 (Old) New No. 47). An effective check of individual items in the Nazir's B Register (Civil Register No. 53 (Old)

New No. 43) can be made only by reference to the corresponding individual items in Process Register C (Civil Register No. 53 (Old) New No. 47) can be verified with the daily totals in the Nazir's Cash Register (Civil Register No. 53-B (Old) New No. 45). Presiding Officers should select a few items at random each month to verify whether the registers are correctly maintained and whether the monies received by the Nazir are properly accounted for. In the case of a Central Nazir, the District Judge may depute the work to the Subordinate Judges and District Munsifs at Headquarters in rotation. [R.O.C. No. 2055 of 1943 (B-2)]b. Instructions for the guidance of Central and Deputy Nazirs. - The Process Service Rules having been amended so as to make the Central or Deputy Nazir solely responsible for the transactions connected with the receipt, preparation, service and return of the processes issued by Civil Courts, the High Court hereby issues the following instructions for their guidance:-(1) All papers presented to the Central or Deputy Nazir under the revised rules shall, immediately on receipt, be impressed with a date stamp which may be of a design different from that of the date stamps used by the Chief Ministerial Officer. Date stamps may be obtained on indent from the Works Manager, Government Press, Chennai. (2) Process Writers shall prepare processes and work under the supervision of the Central or Deputy Nazir except in Courts in which the High Court has under Clause 3 of Rule VI directed that the preparation of the processes shall be under the supervision of the Chief Ministerial Officer. (3) Every warrant of arrest under Order XXI, Rule 24(2) of the Code of Civil Procedure should be signed by the Judge or such Officer as the Court may appoint in this behalf. The Officer to whom this power may be delegated should ordinarily be the Chief Ministerial Officer of the Court, and not the Nazir or Deputy Nazir; and the delegation should be made in writing and kept in Court. Any other processes may continue to be signed by the Nazir or Deputy Nazir, as the Court thinks fit, on proper authorisation in writing. A duplicate Court seal with the word 'Nazarat' inscribed thereon shall be affixed to every process signed and issued by the Nazir or the Deputy Nazir. (P. Dis. No. 584 of 1943) (4) The Presiding Officer of the Court shall send money orders relating to the service of processes received by him to the Central or Deputy Nazir, instead of to the Chief Ministerial Officer. The Central or Deputy Nazir shall make a note of the particulars relating to the money orders in his register. (5) A notice showing the unexpended witness batta available for refund and directing parties and pleaders concerned to apply for refund on such two days in each week and at such hours as the Court may, in its discretion, fix with due regard to the convenience of all parties, shall be exhibited on the notice board of the Court daily. In cases where the party or his pleader has failed to obtain a refund of the unexpended witness batta within the time prescribed in rule 170 (vide Chapter IX, Part I, supra) and where the same has had to be remitted to the Treasury, a penalty of five paise per half rupee or fraction thereof shall be imposed upon the party in the event of his applying for refund at a later date. (H.C. Dis. 2240 of 1924)

6. (c) Lists of Courts in which the preparation of processes should be under the Chief Ministerial Officer:-

1. Subordinate Judge's Court, Coimbatore;

2. District Munsif's Court, Coimbatore;

3. District Munsif s Court, Sivaganga;

4. District Munsif's Court, Salem;

5. District Munsif's Court, Sahkari at Salem;

6. District Munsif's Court, Tiruchirapalli.

VII. Intimation of receipts and disbursements in the Nazarat to the Chief Ministerial Officer. - As soon as possible after 3 p.m. or such hour as the District Judge may fix, the Central or Deputy Nazir shall send to the Chief Ministerial Officer the receipt books and a statement of totals of stamps and all amounts received and of money expended during the day, in order that the necessary entries may be made in the cash book, ledger and register of documents and Court-fees.VIII. Lists of processes for service in other Nazarats. - The Central or Deputy Nazir shall a orange to despatch each day before post time all processes which have to be sent by registered post to the parties. He shall also prepare lists of all processes which are to be served or executed within the jurisdiction of outlying Courts and send such lists and processes by post on India Government Service to the concerned Courts.IX. Procedure on receipt of processes for service. - On receiving any batch of processes, the Central or Deputy Nazir, as the case may be, shall give them general numbers and enter them in a register which shall be kept by himself or under his superintendence in the Form 13 annexed hereto (Vide Civil Register No. 53 (Old) New No. 43).X. RegisterC. He shall thereupon arrange for the distribution of the processes and after the necessary entries have been made in the Register C (Vide Civil Register No. 54 (Old), New No. 46) shall deliver them to the several process-servers. No process shall be entrusted to a process server or amin unless he has returned all the processes entrusted to him previously except under the orders of the Presiding Officer.As far as possible all processes, other than warrants of arrest for persons residing in the same neighbourhood, shall be served by one Process-server and not by several, whether issued by the same Court or by different courts.XI. List of processes executed. - Every day at such hours as the District Judge may fix, having regard (when necessary) to the hours at which the post closes, the Central or Deputy Nazir shall prepare a list for each Court of the processes to be returned to it, giving them their original Court numbers and shall transmit them with the list to the Central or Deputy Nazir who issued the processes, and the latter shall thereon sign and return the list.XII. Delay in return of process to be reported. - It shall be the duty of the Central or Deputy Nazir to have the processes returned, struck off in his register to bring to the notice of the Presiding Judge any unusual delay. Where such Judge is not the District Judge, he shall report such delay to the District Judge in the absence of satisfactory explanation.The Central or Deputy Nazir shall verify the entries in Register No. 53 (Old) No. 43 (New) and where processes sent to other Courts or Offices are not returned within a fortnight, he shall send reminders to such Courts and Offices. Cases in which Process-servers and Amins have failed to return processes on the due dates shall be reported by the Central or Deputy Nazir to the Presiding Judge of the Court having control over the Nazarath.XIII. Nazir's 'B' Register. - At the close of each day, the Nazir's Register No. 53 (Old) (New No. 43) shall be closed, the balance

of cash with the Nazir under the heads "for processes" and "for refunds" shall be separately shown. The number of processes distributed during the day and the number of Process-servers remaining unemployed after the distribution of processes shall also be shown in the 'B' Register. In the case of Central Nazarat, the details showing the number of processes distributed and the number of unemployed Process-servers, etc., shall be shown in the 'B' Register of the District Court, or the Sub-Court, as the case may be. Details showing the balance of cash under respective heads in each court shall also be shown in the 'B' Register of the District Court or Sub-Court, as the case may be.

XIV. Procedure in case of arrest or seizure of movable property. - When any person has been arrested, or movable property seized, by a Process-server of any outlying Court under a warrant issued by a superior Court, the Process-server shall forthwith bring such person or property and deliver him or it to the Central or Deputy Nazir, as the case may be, provided that this rule shall not apply to property not required to be brought to the Court-house. Such Central or Deputy Nazir shall immediately give the Process-server a receipt and send him back to his own Court, and shall produce such person or property before the Court which issued the process. When money shall have been paid upon any such process, it shall be received by the outlying Munsif and duly transmitted, together with the process, to the Court concerned, by money order if the amount does not exceed Rs. 600 or by bank draft, by registered post with acknowledgment due, if the amount exceeds Rs. 600, the expenses in either case to be borne by the party to whom the money is payable: Provided that the whole amount shall be transmitted by money order, if there are no banking facilities in the place of the receipts of money.

1. Note: - (1) To prevent any possibility of misappropriation of moneys by amins and process-servers between the interval when money is received from a judgement-debtor and the time when such money can be paid into Court, the High Court directs that each amin or process server receiving money or any valuable security from a judgement-debtor or purchaser in a Court-sale or otherwise shall grant a receipt for the money or valuable security received to the judgement-debtor or purchaser.

It will be the duty of the Amin or Process-server receiving any money in execution of a decree to bring the same with the least possible delay to the Court. The Process Service Registers will afford a means of checking any delay or remissness on the part of the process-service establishment in bringing such sums to Court, and any such delays should be noticed, and if necessary, punished, as the occasion may demand, by the Presiding Judge of each Court.

2.

(2) It should be distinctly understood both by Process-servers and Pleaders that payment by them of money to a Head Clerk will not relieve them of responsibility. Nothing short of payment into Treasury under a challan or an acquittance signed by the Presiding Judge himself can be recognised as an absolute discharge.

XV. Remittance of witness batta. - The total amount of the batta of witnesses, etc., on all the processes issuing to a given Court on any day for sendee shall be remitted by money order by the Court issuing the processes to the Court to which the processes are sent for

service at the same time as the processes are despatched to the latter Court. Any unspent balance in the hands of the court serving the process shall be returned to the Court issuing the processes by money order at intervals of a week (but it may be remitted along with witness batta, if such is being remitted at an earlier date), and the Presiding Judge, or in the case, of a District Court or a Sub-Court, the Sarishtadar shall check and verify, from week to week, the issue of such money orders. The money order commission for remitting money for service of processes shall be borne by the party and collected along with the witness batta. In case of refunds of unspent money, the money order commission shall be deducted from the refundable balance. The number of the money order receipt shall be noted against the appropriate entries in the Register 'B' Civil Register No. 53 (Old) (New' No. 43).XVI. Statement of money orders issued to other Courts. - On or before the 6th of each month, the Court issuing money orders under the preceding rule shall send to each Court to which money orders have been issued in the preceding month a statement showing the number and particulars of the money orders so issued, and it shall be the duty of the Presiding Officer of the latter Court to see that the amounts involved have been received and accounted for.XVII. Execution of emergent process. - The Presiding Judge of any Court may, for sufficient reason at any hour of the day, order the emergent execution of any process. It shall be the duty of the Central or the Deputy Nazir on receiving such processes to make immediate arrangements for the execution of such processes. In case of every special urgency, the Presiding Judge may deliver any such process to any of the process-servers in attendance at his Court for immediate service or execution.XVIII. Expeditious Execution of Processes. - All processes marked as emergent shall be issued and executed without any delay. Another processes shall be issued for execution as expeditiously as possible and in any case within four days of the date on which they are made ready. To admit of a sufficient number of processes in a particular direction, or neighbourhood being accumulated, the Central or Deputy Nazir may keep such processes for a period of five days and issue them for execution on the sixth day. The Central or Deputy Nazir shall ensure that processes which are to be sent by registered post to parties are despatched within two days of their being made ready. In issuing processes for service, the Central or Deputy Nazir shall calculate the time to be allowed for returning processes on the basis that each Process-server will execute four processes per day and each Amin one process per day. In making such calculation, the time for the journey from and to Court shall be excluded.XIX. Deputation of special Process-server from head quarters. - The Presiding Judge of any superior Court may direct on the application of the party applying for any particular process which would ordinarily be sent for service to an outlying Court, that it be served or executed by a Special Process-server or Amin from head-quarters, provided that the pay of such Process-server or Amin for the time he is likely to be employed on such duty be paid in advance at the following rates:-

Process-server - Rupee one per day for processes other than warrants.

Rupee one and Paise fifty per day for warrants.

Amins - Rupee one and paise fifty per day for processes other than warrants.

Rupees three per day for warrants.

The Judge may, for any sufficient reason, direct that such extra charge be costs of the suit or proceedings. Note. - To cover the ordinary daily charges, a sum of rupees two per day in the case of an Amin and rupee one per day in the case of a Process-server shall be collected from the party in

cash along with the process application and paid to the Amin or Process-server deputed for the execution of the central process. The number of days spent by the Amin or Process-server on such process work shall not be taken into account in regulating the payment of fixed travelling allowance provided under the rules.XX. Second Process-server to be ordinarily deputed to guard Judgement-debtors. - When the Court considers it advisable that a second Process-server should be deputed to assist the process-server having the custody of a judgement-debtor, the pay of both at Re. 1 a day for each, up to the time fixed for the adjourned hearing shall be paid in advance.XXI. (1). Average number of processes to be executed by each Amin and Process-server. - The number of Amins and Process-servers to be employed for each district, from time to time, shall be determined by the High Court, due regard being had to the number of processes to be executed and the areas to be served by the several Nazarats and to any other special circumstances affecting the number of processes which one officer may fairly be expected to serve in a given time. The number of processes to be executed each year by each Amin and Process-server engaged in execution work shall be regulated in accordance with the following average figures:-

District	Average per Amin	Average per Process-server
(1)	(2)	(3)
North Arcot	250	300
South Arcot	200	300
Chengalpattu	350	450
Coimbatore	300	400
Madurai	300	350
Ramanathapuram	200	250
Salem	300	400
East Thanjavur	250	300
West Thanjavur	200	300
Tiruchirappalli	250	450
Tirunelveli	250	300

(2)Deputation of process staff for process-writing and guard duty. - The number of Amins and Process-servers to be employed under each Nazir and Deputy Nazir, not exceeding the number determined as above for each district shall in like manner, from time to time, be determined by the District Judge subject to the control of the High Court. In addition to the number of Amins and Process-servers required for execution work, there shall be employed for each Court a sufficient number of Amins to write its process and for attending to the despatch of process by post. The number of Amins required for the above duties shall be determined by the Presiding Judge of the Courts concerned having charge of the Nazarat subject to the control of the District Judge and the High Court. Three Process-servers shall be deputed to guard a District Court and two Process-servers shall be deputed to guard each Sub-Court and District Munsif's Court. The process servers engaged on guard duty shall be told off in rotation for one month at a time from the whole number of Process-servers and shall also be available for the service of emergent process under Rule XVII. In addition to the deputation of Process-servers for guard duty, the Central or Deputy Nazir, as the case may be, shall from the Process-servers available in Court (i.e.,those who are awaiting processes to be issued) depute a sufficient number of Process-servers for each Court whose

processes the Central or Deputy Nazir serves, to attend to routine duties in the Courts and offices generally known as "Hazar duties". Note. - The High Court directs that the turn duty for the Process-servers may be arranged from 16th day of a month to 15th day of the succeeding month instead of from the first day to the last day, of the month to enable the Process-servers to get F.T.A. for all the months. (3) Commutation of process. - In calculating the number of processes, if more than one of the same description have been issued on behalf of the same party at the same time in the same suit or proceeding and executed in the same town or village, the first only shall be reckoned as a full process, and each subsequent set of three or part thereof shall count as, but one process, whether executed by one or more Amins or Process-servers. Three processes shall be counted for each emergent process and one for each day that an Amin or Process-server is in charge of a judgement-debtor or engaged on any special duty. a. Note. - (a) Warrants of attachment of immovable property and proclamations are not processes of one description within the meaning of rule XXI and must, therefore, be counted separately each warrant of attachment as one process, and each proclamation as one process, subject of course to the other provisions of the rules regarding duplicate processes executed in the same town or village. (H.C. Dis. 22 of 1909) (b) An extra process is to be counted in all cases. - An additional fee is actually levied after the 2nd day under items (ii) (a), (b), (c) and (d) and III in the Schedule of process fee or in case arising under rule XXI of the Process Service Rules. Care must be taken that this concession is not abused and made a means of unduly swelling the number of processes and thus increasing the establishments. Nazirs and Deputy Nazirs will be held responsible in regard to this. (c) Emergent Processes-how to be computed. - The High Court considers that the proper method of calculation to adopt, where urgent processes are taken is to reckon the first process alone as three under the rule quoted. Such a reckoning substantially allows for the urgency and does not unduly swell the number of processes for service. Extra processes counted in accordance with the instructions issued in High Court Dis. No. 510 of 1909 should be reckoned as ordinary processes, though the original process is urgent. XXII. Monthly report of processes executed. - (i) Every Central or Deputy Nazir shall, at the end of each month, report to the District Judge the number of processes, calculated as above, which may have been executed by their subordinates within the month and such report shall show the number declared by each Court to be emergent. Note. - Statement of distribution of processes to be submitted to District Judge. - In order to ensure that the processes are fairly distributed among Process-servers and that a fair average of work is attained by each Process-server, the High Court directs that every Subordinate Judge and District Munsif having control over a Nazarat, shall submit to the District Judge not later than the 5th of every month a statement in the prescribed form. (2) Strength of Nazarat to be reduced whenever the average number of processes falls short of the prescribed average. - The District Judge shall reduce the number of Process-servers in the Central Nazarat of any outlying Court, whenever the average number of processes issued for each man (exclusive of those allowed under rule XXI to be in attendance in the Courts) falls short of the prescribed average by more than ten per centum. a. Note. - Rule XXII(2) of the Process-service Rules required a reduction in the strength of the Nazarat whenever the average number of processes issued falls short of the average prescribed by more than 10%. This does not mean that there should be no reduction if the fall is not so large. District Judges should not fill up vacancies unless they are satisfied that there is sufficient work to provide not less than the prescribed average for each Process-server and Amin. Circular Orders (a) Instructions for the guidance of Courts in regard to the execution of warrants of committal: (i) Number of Process-servers to be deputed to escort

Judgement-debtor. - The number of Process-servers to be deputed to escort Judgement-debtors to civil jails is a matter for the discretion of the Court concerned which will guide itself by the necessities of each case.(ii)Fee to be levied for issue of a warrant of committal. - The fee for a warrant of committal shall be that prescribed in item III of the Schedule of Process Fees, irrespective of the number of Process-servers employed; additional fees shall be levied after the second day under item II of the Schedule.(iii)Mode of calculating such warrants for purposes of rule XXI. - A warrant of committal shall count as one process, subject to the rule XXI of the Process Service Rules, irrespective of the number of Process-servers employed.(iv)No fee for issue of orders of release. - No process fee shall be levied for the issue of orders of release of a Judgement-debtor from jail.(v)Judgement-creditor to pay the fee for the escort of Judgement-debtors to and from jails. - The Judgement-creditor at whose instance the debtor is taken to or brought from the jail, shall pay the travelling expenses and batta of the escort and of the debtor.(b)Travelling Allowance of Process-servers. - Under rule 12 of The Tamil Nadu Travelling Allowance Rules, Process-servers are clearly entitled to batta outside their jurisdiction and in cases where the civil jails to which the Judgement-debtors are committed are situated outside the jurisdiction of the Courts to which the Process-servers are attached, the Process-servers are eligible for batta and it should be paid to them by the Courts out of the moneys collected from the creditors. In these cases, where the civil jail is situated within the jurisdiction of the Courts committing the prisoners, it may also be necessary or desirable that journeys should be performed by rail or other conveyance and then the Process-servers fare should be collected and paid to them. But they would not be entitled to substance allowance. The Court has to fix in each case the charges leviable from the creditors.(c)Execution of process - Instructions. - The High Court directs that Process-servers and Amins entrusted with the execution of warrants for attachment of property or for arrest should carry out the orders of Court unless satisfaction of the decree is endorsed on the warrant by the decree holder in the manner prescribed by Order XXI rule 25(2) Civil Procedure Code. It is irregular for Process-servers and Amins to return warrants unexecuted with any endorsement other than that specified in the above rule.(H.C. P. Dis. No. 280 of 1948)(d)Supervision of the work of the process establishment. - In order to ensure adequate supervision of the work of the process establishments in the mufassal, the High Court issues the following instructions:-Diaries

1. Every Amin and Process-server shall maintain a diary in Form No. 75 (Old) New No. 64 in Appendix II of Part II, Volume II. It shall be written up day by day and show where the Amin or Process-server has been on each day, what work, he has done and what processes he has served or failed to serve.

The diary will be initialled by the Nazir whenever he issues processes and whenever the Amin or Process-server returns to headquarters. The Process-server or Amin shall endeavour to get the entries in the diary attested by a village officials or a substantial ryot of the village in which processes are served, whether personally or by affixture, or refused. Officers in charge of Courts having Nazarats should inspect these diaries, from time to time. District Judges will at their inspection of subordinate Courts satisfy themselves that the diaries are being regularly maintained.

Observation List

2. The Nazir of every Court shall prepare and submit for the orders of the Presiding Officer not later than the 15th of each month two statements in the Forms A and B set out below.

3. Statement A shall show the names only of those Process-servers and Amins not already on the Observation List who have shown less than 50 per cent of success on the total figures of processes other than arrest warrants for the preceding two months. The names of those in Statement A shall, in the absence of extenuating circumstances, be placed on the Observation List. The Presiding Officer may, at his discretion, ignore past bad work which has already resulted in addition to the Observation List after a man has earned his removal from the list by subsequent good work.

4. Statement B shall contain the names and figures for the last preceding two months under processes other than arrest warrants of a 11 those who are on the Observation List. Tire Presiding Officer may order the removal from this list of all those whose figures of successful execution for the last preceding two months under processes other than arrest warrants are over 65 per cent.

When submitting Statements A and B, the Nazir will append to each a brief note indicating which of the Process-servers or Amins are to be added to or removed from the Observation List, and, in the case of Statement B, pointing out those who have been on the Observation List for such periods as to make substantive punishment desirable. Note. - (a) For the purpose of these statements, actual figures of processes will be given, not the fictitious figures prescribed under rule XXI(3) of the Process Rules. (b) the minimum of 50 and 65 per cent prescribed for the statements A and B respectively may be varied at the discretion of District Judge, if they are found with reference to local conditions, to be too low or too high. Any such variations should be reported to the High Court for information. (c) For the purpose of the Observation List, arrest warrants may be deemed to have been executed (1) When the debtor is produced before Court, (2) When the debtor is not produced, but part or full satisfaction is reported by the decree-holder or he reports that the warrant need not be executed before the expiry of the time allowed for the return of the warrant and the Court recalls the warrant. Cases of escape from the custody of a Process-server or amin should be treated as cases of failure. (d) When the person to be served or arrested is reported to be non-resident or dead, the process should be excluded in calculating percentages. (e) Service of other processes on adult members of the family or by affixture, whether after refusal or otherwise, should be treated as failures for the purpose of calculating these percentages. (f) Sale warrants may be deemed to have been executed when the sale is stopped or adjourned under the Court's orders or when the sale is held in public Court and fails for want of bidders (but not when it is held away from the Court and fails for want of bidders). (g) Attachment and delivery warrants may be deemed to have been executed when on the motion of the decree-holder, the Court recalls the warrants and orders that they need not be executed. (5) The Officer in-charge of a Nazarat shall scrutinize every case of an

unsuccessful execution of an arrest, warrant. If he considers it necessary in any particular case, he may call for the explanation of the Amin or Process-server concerned and may also invite, on the administrative side, the remarks of the Officer in-charge of the Court which ordered the issue of the warrant. If he is not satisfied with the explanation offered, he shall report the matter to the Presiding Officer who may thereupon direct the Amin or Process-server to be placed on the Observation List for a specified period as a measure of punishment. The Presiding Officer may, however at his discretion, remove him from the list even before the expiry of that period.(6)The Observation List shall be maintained in ledger form and will contain only the names of those who have been ordered to be placed on it as a result of the scrutiny of Statement A or of an order passed under Clause 5 above. So long as an individual remains on the Observation List, his figures of successful service will be entered against him in that list by month. When his name is removed, no further entry need be made against him except a note of the date of removal. If he is once more added to the list, entries for the period of his second stay on the list will be made in continuation of those relating to his previous period of observation so as to form a continuous record of unsatisfactory periods of service.(7)No men should be allowed to remain on the Observation List for long periods without receiving first a special warning and if this is ineffective substantive punishment. Before imposing substantive punishment, a charge of continuously unsatisfactory work should be framed the figures on which the charge is based should be properly proved and the procedure prescribed in the Statutory Rules should be carefully followed. Ordinarily no increments or other rewards should be sanctioned in favour of a man who is on the Observation List, but they may be sanctioned with retrospective effect as soon as he earns his removal. As the successful working of the above system depends entirely on the correctness of the figures and the personal interest of the Presiding Officers, the latter should check the accuracy of the figures, from time to time, and they should also be checked at the annual inspection of Courts. Copies of the orders passed by Subordinate Judges and District Munsifs each month on Statements A and B should be submitted to the District Judge for perusal on or before the 20th of each month.

8. The above instructions contemplate only one method, barring dismissal or removal from service of earning a discharge from the Observation List and that is by specially good work. The practice of removing from Statement B, Process -servers who have been substantively punished is not correct. That a person has remained long enough in the list to earn substantive punishment is a reason for maintaining a stricter watch over him rather than for giving him a respite from observation.