

The Legal Practitioners' Fees Rules, 1973

TAMILNADU

India

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The Legal Practitioners' Fees Rules, 1973 Published vide Notification No. SRO C-3/74. - ROC No. 1032/64-FIBy virtue of the powers conferred by Article 227 of the Constitution of India read with section 27 of the Legal Practitioners' Act, 1879 (Central Act XVIII of 1879) and all other powers thereunto enabling and in supersession of all rules relating, to the fees payable to Legal Practitioners and incorporated in section C, Chapter X, Part II of the Civil Rules of Practice and Circular Orders, Volume I (1941 Edition), the High Court hereby makes the following rules, with the previous approval of the Governor of Tamil Nadu:-

1. Short title, commencement and application.

- These rules may be called the Legal Practitioners' Fees Rules, 1973. They shall come into force as and from the date of publication in the Tamil Nadu Government Gazette and shall apply to all proceedings pending on that date and all proceedings initiated thereafter.

2.

Save by special leave of the Court and except in the case of a Legal Practitioner appearing on behalf of the Government or of a public servant whose defence is undertaken by the Government or of an incapacitated proprietor who is a ward of the Court of Wards, no fee shall, on any case, be entered as recoverable in a decree or order except on production, within ten days from the date of the judgement or order or such further period as may be allowed by the Court of a certificate from the Legal Practitioner that he has received such fee. Explanation. - (1) The term "Legal Practitioner" means and includes an Advocate, Vakil, Attorney or Pleader authorised by any law for the time being in force to practice before Civil Courts. (2) The fact of a promissory note or other agreement to pay the fee having been given or made by the client does not entitle the Legal Practitioner to certify that he has received the fee. Courts Subordinate to the High Court

3. In Courts subordinate to the High Court.

- In suits for money, effects or other personal property or for land or other immovable property of any description, fees to Legal Practitioners shall be payable on the following scale:-(1)Small Cause Suits. - At 10 per cent of the claim subject to a minimum of Rs. 50 (100 AP).(2)Original Suits. - (a) For money based on negotiable instruments and loans,-(i)if the amount or value does not exceed Rs. 5000.00, at 10 per cent subject to a minimum of Rs. 150;(ii)if the amount or value exceeds Rs 5,000.00, but does not exceed 'Rs. 15,000.00, on Rs. 5,000.00 as above, and on the remainder at 7 per cent;(iii)if the amount or value exceeds Rs 15,000.00, but does not exceed Rs. 30,000.00, on Rs. 15,000.00 as above, and on the remainder at 5 per cent;(iv)if the amount or value exceeds Rs. 30,000.00, but does not exceed Rs. 50,000.00, on Rs. 30,000.00 as above, and on the remainder at 3 per cent;(v)if the amount or value exceeds Rs. 50,000.00, but does not exceed Rs. 1,00,000.00, on Rs. 50,000.00 as above, and on the remainder at 2 per cent;(vi)if the amount or value exceeds Rs. 1,00,000.00, on Rs. 1,00,000.00 as above, and on the remainder at 1 per cent.(b)Other Original Suits not falling under sub-clause (a) of clause (2)-(i)if the amount or value of the claim does not exceed Rs. 5,000.00 at 15 per cent subject to a minimum of Rs. 500.00;(ii)if the amount or value exceeds Rs. 5,000.00, but does not exceed Rs. 30,000.00, on Rs. 5,000.00, as above and on the remainder at 10 per cent;(iii)if the amount or value exceeds Rs. 30,000.00, but does not exceed Rs. 50,000.00, on Rs. 30,000.00 as above, and on the remainder at 7 per cent;(iv)if the amount or value exceeds Rs. 50,000.00, but does not exceed Rs. 1,00,000.00, on Rs. 50,000.00 as above, and on the remainder at 5 per cent;(v)if the amount or value exceeds Rs. 1,00,000.00, but does not exceed Rs. 2,00,000.00, on Rs. 1,00,000.00 as above, and on the remainder at 3 per cent;(vi)if the amount or value exceeds Rs. 2,00,000.00, but does not exceed Rs. 3,00,000.00, on Rs. 2,00,000.00 as above, and on the remainder at 2 per cent;(vii)if the amount or value exceeds Rs. 3,00,000.00, on Rs. 3,00,000.00 as above, and on the remainder at 1 per cent.(c)In batches of more than five suits which are tried together and disposed of by a common judgement, the fees shall be at the discretion of the Court, but shall not exceed the fees prescribed above and shall not be less than the highest fee prescribed for any suit of the highest value in that batch:Provided that in the case of suits of the kind mentioned in clause (2) above, when such suits are settled, withdrawn, compromised, decided on confession of judgement or dismissed for default (1) at or before the settlement of issue, or (2) after the settlement of issues, but before the commencement of trial, or (3) after the commencement of trial, but before judgement, the fee payable shall be one-third, or one-fourth or one-half respectively (as the case may be), of the fee calculated under that clause: Provided further that where suits of the kind mentioned in clause (2) above are decided ex parte, the defendant not entering appearance or having entered appearance, not contesting, the fee payable shall be one half of the calculated under that clause:Provided also that in case where a Commissioner is appointed to make a local inspection or inquiry or examine witnesses, the Court may, in its discretion after taking into account the amount of work involved before the Commissioner, allow in addition to the ad valorem fee, a further fee not exceeding one-third thereof:Provided also that in suits for rendition of accounts, partition, dissolution of partnership, mesne profits and the like, the fees payable to practitioners for their appearance before the Court in proceedings for final decree shall be at the discretion of the Court, having regard to the issue involved and the time taken, such fee shall be in addition to and on the same scale as the fee for the preliminary decree and the maximum thereof shall not exceed the fee payable on the amount, if any,

decreed and the minimum shall not be less than one-third of the fee payable at the stage of the passing of the preliminary decree: Provided also that the Court shall, at its discretion, having regard to the work involved, fix in addition a fee for their appearance before the Commissioner on the same scale, subject to a maximum of Rs. 2,000.00.

4.

(1) In Courts subordinate to the High Court, in appeals for money, effects or other personal property or for land other than immovable property of any description, the fees payable to practitioners shall be as calculated under rule 3(2) subject to a minimum of Rs. 300.00. (2) When such appeals are settled, withdrawn, compromised or dismissed for default, the fee payable shall be one-half of the fees calculated under sub-rule (1).

5.

In Courts subordinate to the High Court, in a suit or appeal, an additional fee calculated at one-third of the fee allowable under rules 3 and 4 shall be payable to a junior practitioner engaged with a senior practitioner, provided that a junior practitioner was on record from at least the date of the settlement of issues in a suit or from the last of the dates fixed for the appearance of the respondent or respondents in an appeal.

6.

Where a Legal Practitioner on record engages a senior practitioner (not necessarily a senior Advocate as defined in the Advocates Act) at or after the commencement of trial or hearing of the appeal, an additional fee calculated at one-half the fee allowable under rules 3 and 4 shall be payable to a senior practitioner: Provided that the appearance is filed in such cases before the commencement of arguments at the latest.

7.

(1) The fee for practitioners appearing in execution petitions shall, in contested cases, be one-half and in uncontested cases, one-third of the fee allowable on the amount or value of the relief claimed in execution, as provided under rule 3. (2) The fee for practitioners appearing in proceedings under section 47 of the Code of Civil Procedure shall be at the discretion of the Court subject to the minimum of Rs. 300.00 and a maximum of Rs. 500.00.

8.

The fee payable to practitioners in the following applications shall be at the discretion of the Court subject to the minimum and maximum prescribed in each case, except, where the actual fee payable itself has been prescribed: (1) In applications to set aside ex parte decrees (Order IX, Rule 13, Schedule I, Code of Civil Procedure and Order XI.I, Rule 21; Schedule I, Code of Civil Procedure),

claim petitions Order XXI, Rule 58, Schedule I, Code of Civil Procedure), application under (Order XXI, Rules 97 and 100, Schedule I, Code of Civil Procedure, applications to set aside abatement (Order XXII, Schedule I, Code of Civil Procedure), application to sue or appeal in forma pauperis (Order XXXIII and Order XLIV, Schedule I, Code of Civil Procedure), applications for arrest or attachment before judgement (Order XXXVIII, Schedule I, Code of Civil Procedure), applications for injunctions (Order XXXIX, Schedule 1, Code of Civil Procedure) or for the appointment of Receivers (Order XL, Schedule I, Code of Civil Procedure), applications for review (Order XLVII, Schedule I, Code of Civil Procedure) rejected after notice to the other, but without a rehearing and applications in other cases not specifically provided for in this rule, whether before or after decree, the fee shall not be less than Rs. 250.00 and not more than Rs. 500.00.(2)In applications for discovery, inspection and production of documents (Order XI, Schedule I, Code of Civil Procedure) and for notice to admit documents (Order XII, Schedule I, Code of Civil Procedure), the fee shall be Rs. 250.00.(3)In applications for setting aside execution of sales (Order XXI, Rules 90 and 91, Schedule I, Code of Civil Procedure), the fee shall be one-half of the fee allowable on the value of the property sold according to the scale prescribed in rule 3(2), subject to a maximum of Rs. 300.00. In applications under Order XXI, Rule 89, Schedule 1, Code of Civil Procedure, the maximum fee shall be Rs. 500.00.(4)Where a suit or appeal is re-heard on review, the fee for the rehearing shall be one-half of the fee allowable on the amount or Value or the claim calculated as under rule 3(2).(5)In applications for filing an award passed on a submission out of Court (section 14, Arbitration Act, 1940), the fee shall be one-half of the fee allowable on the amount or value of the matter calculated under rule 3(2), subject to a minimum of Rs. 500.00.(6)In applications for filing an agreement to refer to arbitration (section 20, Arbitration Act, 1940), the fee shall be one-half of the fee allowable on the amount or value of the matter as under rule 3(2), subject to a minimum of Rs. 500.00.(7)In applications under the Arbitration Act, 1940, other than those provided for by clauses (5) and (6), the fee shall be at the discretion of the Court, subject to a minimum of Rs. 500.00.

9.

The fee for Legal Practitioners in Civil Miscellaneous Appeals against orders including orders under section 47, Code of Civil Procedure, shall be at the discretion of the Court subject to a minimum of Rs. 500.00 and a maximum of the fee prescribed for the suit.

10.

The fee for legal practitioners in the following special cases shall be as given below, namely:-(1)(a)In suits under sections 91 and 92 of the Code of Civil Procedure, suits under the Religious Endowments Act, 1863 (Central Act XX of 1863) and suits under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the fee shall be at the discretion of the Court, subject to a minimum of Rs. 500.00 and a maximum of Rs. 1500.00.(b)In applications under sections 47(4) and 90(4) (a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the fee shall be at the discretion of ' the Court, subject to a minimum of Rs. 500.00 and a maximum of Rs. 1,500.00.(2)In declaratory suits, the fee shall be as specified below:-(a)Where the subject-matter in respect of which relief claim is capable of valuation, according to the scale prescribed in rule 3(2).(b)Where it is not so capable of valuation, the fee shall

be fixed in, accordance with rule 15, subject to a minimum of Rs. 500.00 in a District Munsif's Court or in a Subordinate Judge's Court and Rs. 1,000.00 in the District Court.(3)In suits under section 77 of the Indian Registration Act, 1908 (Central Act XVI of 1908), a reasonable fee at the discretion of the Court, regard being had to the time occupied in the preparation and hearing of the case and the nature of the question raised therein, subject to a minimum of Rs. 200 and maximum of Rs. 500.00 in a Munsif's Court or a Subordinate Judge's Court and a minimum of Rs. 500.00 and a maximum of Rs. 1,000.00 in the District Court.(4)In Inter-pleader suits, the fee to be awarded to the original plaintiff shall be one-fourth of the fee prescribed under rule 3(2), subject to a maximum of Rs. 1,000.00.(5)In summary suits under section 6 of the Specific Relief Act, 1963 (Central Act 47 of 1963), the fee shall be one-half of the fee prescribed under rule 3(2), subject to a maximum of Rs. 500.00 in a Munsif's Court and Rs. 1,000.00 in other Courts.(6)In suits under Order XXXVI, Schedule I, Code of Civil Procedure and under Order XXXVII, Schedule I, Code of Civil Procedure, where leave to defend has not been granted, the fee shall be one-half of the fee prescribed under rule 3(2), subject to a maximum of Rs. 1000.00.(7)In Insolvency Proceedings:The fee shall be as specified below:-(a)Creditor's Petition-Fee not exceeding Rs. 300.00 in a Munsif's Court and Rs. 500.00 in other Courts.(b)Applications under sections 4, 53 and 54 of the Provincial Insolvency Act, 1920 (Central Act V of 1920)-Fee not exceeding Rs. 300.00 in a Munsifs Court and Rs. 500.00 in other Courts.(c)Application for annulment of adjudications - Fee not exceeding Rs.300.00in Munsif's Court and Rs. 500.00 in other Courts.(d)Other Petitions - Fee not exceeding Rs. 300.00 in a Munsif's Court and Rs. 500.00 in other Courts.(e)Contested proof of claims before the Official Receiver in cases, where proof of claim is contested by another creditor, the fee shall be at the discretion of the Court subject to a minimum of Rs. 300.00 and maximum of Rs. 500.00: Provided that no pleader's fee shall be allowed for any other proceedings before the Official Receiver.(8)Applications for succession certificate or letters of administration, fee shall be one-half of the lee prescribed in rule 3(2), subject to a minimum of Rs. 300.00 and a maximum of Rs. 500.00.(9)Applications for probate or letters of administration with the will annexed, where the genuineness of the will is disputed, the fee shall be as prescribed in rule 3(2), subject to a minimum of Rs. 300.00 and a maximum of Rs. 1,000.00.(10)Applications under Part VII of Indian Succession Act, 1925 (Central Act XXXIX of 1925), the fee shall be one-half of the fee prescribed under rule 3 (2), subject to a minimum of Rs. 300.00 and a maximum of Rs. 1,000.00.(11)Original Petitions under the Guardians and Wards Act, 1890 (Central Act VIII of 1890) and under the Indian Lunacy Act, 1912 (Central Act IV of 1912), the fee shall be at the discretion of the Court subject to a maximum of Rs. 1000.00 and a minimum of Rs. 300.00. In the case of interlocutory applications, the fee shall be at the discretion of the Court, subject to a maximum of Rs. 300.00 and a minimum of Rs. 100.00.(12)Land Acquisition cases, as between the Collector and the claimants, the fee shall be as under rule 3(2) on the amount claimed in excess of the award, subject to a minimum of Rs. 250.00 and a maximum of Rs. 5,000.00 in cases between rival claimants, the fee shall be calculated as prescribed for suits under rule 3 (2).(13)Proceedings for restitution of conjugal rights, divorce and other matrimonial cases, the fee shall be at the discretion of the Court, having regard to the nature of the contest, subject to a maximum of Rs. 2000.00 and a minimum of Rs. 500.00.(14)Petitions arising out of elections under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) and the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), the fee shall be at the discretion of the Court, subject to a maximum of Rs. 2500.00 and a minimum of Rs. 500.00.(15)Proceedings under the Companies Act, 1956 (Central Act I of 1956), the scale of fees for

Legal Practitioners in all proceedings under the Companies Act shall be governed by Rule 348 and Appendix III of the Companies (Court) Rules, 1959, framed by the Supreme Court of India.(16)Proceedings relating to copyright and under the Patents and Designs Act, Trade and Merchandise Marks Act and cases under special and local laws,-(a)Where damages are not claimed, the fee shall be at the discretion of the Court subject to a maximum of Rs. 1000.00,(b)Where damages are claimed, the fee shall be on the amount allowed or disallowed as in suits according to the scale prescribed in rule 3(2).

11.

(1)A Subordinate Judge's Court or a District Court shall, when dealing with any suit, application, petition or other matter, within the ordinary pecuniary jurisdiction of a Munsif's Court owing to there being no Munsif's Court with jurisdiction or other cause, be deemed to be a Munsif's Court for the purpose of rules 1 to 10.(2)In suits, appeals, execution proceedings and in the special cases referred to in rule 10, where the amount of work involved is unusually heavy or the proceedings take a considerable time, having regard to the value of the suit, appeal or proceedings or the special cases, as the case may be, 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 for reasons to be recorded in writing.(3)So far as the fee payable to a Law Officer of the State or Legal Practitioner doing such work for, and on behalf of, the State or an officer of the State or State Government Undertaking is concerned, he shall be entitled to claim at the rates or scales provided as above only whenever the Courts concerned award costs and in all other cases where no costs are awarded, such Law Officer or Legal Practitioner doing such work for the State Government or an Undertaking of the State Government or its Officers, shall be eligible to claim only such fee provided under any of the Standing Orders regulating the payment of fees, subject to which the Legal Practitioner was appointed or engaged for such purpose.Rules 3 to 11 of the Legal Practitioner's Fees Rules, 1973 prescribe the fees to be paid to the Legal Practitioners in various types of civil suits filed in the Courts of the District Munsif, Subordinate Judge's Court and District Judge's Court and the Courts of Small Causes.;High Court

12.

(1)In the High Court, in appeals from original or appellate decrees in suits for money, effects or other personal property, or for land or other immovable property or any description, fees are payable on the same scales as under rule 3(2)(b):Provided that when the appeal is compromised, settled, withdrawn or dismissed for default (a) before the appeal gets into the ready board, the fee shall be one-fourth of the fee prescribed under rule 3(2)(b) and (c) after appeal stands on the ready board, the fee shall be one-half of the fee prescribed under rule 3(2)(b) subject to this, in all the above cases, the minima prescribed in rule 14 shall apply:Provided further that when the appeal is from an award or from any part of an award of a Court in a land acquisition case as between the Collector and the claimant or claimants, the maximum fee shall be Rs. 2000.00.(2)When the amount or value of the claim in the appeal exceeds Rs. 2000.00, an additional fee calculated at one-third of the fee allowable under clause (1) shall be payable to a junior practitioner engaged with a senior practitioner:Provided that the junior was on record at least from the last of the dates fixed

for appearance of the respondent: Provided further that in any case where a junior's fee is payable under this rule or under rule 19, the Court shall have discretion to fix that fee at half the senior's fee instead of one-third. (3) The fees for the junior Legal Practitioner for setting of documents for translation and or printing in first appeals shall be minimum of Rs. 25.00 and a maximum of Rs. 50.00 subject to the discretion of the Taxing Officer.

13.

In the High Court, in appeals from orders rehearing on review, and other miscellaneous cases (not being applications provided for in rule 21), fees are payable on the following scale, namely:-(1) If the amount or value of the claim does not exceed Rs. 5,000.00 at 3 per cent. (2) If the amount or value of the claim exceeds Rs. 5,000.00 and does not exceed Rs. 10,000.00, on Rs. 5,000.00 as above, and on the remainder at 2 per cent. (3) If the amount or value of the claim exceeds Rs. 10,000.00 and does not exceed Rs. 20,000.00, on Rs. 10,000.00 as above, and on the remainder at 1 per cent. (4) If the amount or value of the claim exceeds Rs. 20,000.00 and does not exceed Rs. 50,000.00, on Rs. 20,000.00 as above, and on the remainder at = per cent. (5) If the amount or value of the claim exceeds Rs. 50,000.00, on Rs. 50,000.00 as above, and on the remainder at per cent .

14.

In appeals, the fee payable under rules 12 and 13 shall be subject to the following minima:-

	Minimum fee (Rs.)
(1) In appeals to the High Court from Original decrees.	100
(2) In appeals to the High Court from Appellate decrees.	75
(3) In all other cases on the Appellate side of the High Court not hereinbefore specified and not being Applications mentioned in Rule 21.	50

Notes. - Rules 12 to 14 of the Legal Practitioners Fees Rule's, 1973 prescribe the fees to be paid to the Legal Practitioners in the suits filed in High Court of Madras in appeals from original or appellate decrees in civil suits, appeal from order, rehearing on review and other miscellaneous cases. General

15.

(1) In the absence of any other provision to the contrary contained in these rules, the words "the amount or value of the claim" in rules 3 to 13 mean the value as set forth in the plaint, written statement containing a counter claim, memorandum of appeal of cross objection or petition and where the Court-fees are payable ad valorem, the value on which such Court-fees are paid; Where the claim does not admit of valuation, but is valued for purpose of jurisdiction, then, such value, unless the Court orders otherwise. (2) In all other cases, where the relief is incapable of valuation and is not valued for purpose of jurisdiction, the Court or in the case of High Court, the Taxing Officer, 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 question raised therein, as also the minimum fees prescribed in rules

3(2) and 14.

16.

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

17.

If several defendants or respondents who have a joint or common interest succeeded upon a joint defence, or upon separate defences substantially the same, not more than one fee shall be allowed, unless the Court shall otherwise order for reasons to be recorded in the judgement. If only one fee is allowed, the Court shall direct to which of defendants or respondents it shall be paid or shall apportion it among the several defendants or respondents in such manner as the Court shall think fit.

18.

If several defendants or respondents who have separate interest set up separate and distinct defences and succeed thereon, a fee for one Legal Practitioner for each of the defendants or respondents who shall appear by a separate Legal Practitioner may be allowed in respect of his 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.

19.

On the Appellate Side of the High Court (except in appeals from the Original Side) in cases of special difficulty or importance, the Judge or Bench disposing of an appeal or other matter may, on the application of a party, direct that: (1) a higher fee than would ordinarily be admissible under these rules be allowed, (2) two sets of fees be allowed to a party who has engaged more than one Legal Practitioner.

20.

For each fee allowed under the three last preceding rules, the value of stamp on one vakalatnama only shall be awarded as costs.

21.

On the Appellate Side of the High Court, in all interlocutory applications in pending appeals or other matters and in all miscellaneous applications after their disposal, which are decided on merits after contest, the Taxing Officer shall fix a reasonable fee in any case not exceeding Rs. 50.

22.

Except where an adjournment is made with the consent of all parties, or where, from insufficiency of notice, a party has not had reasonable time to prepare himself for trial, or where the adjournment is necessitated by a cause beyond the control of the party, an adjournment should not be granted, save on the condition that the party applying pays all the costs of the day including a reasonable fee to the Legal Practitioner engaged by his adversary. In a District Munsif's Court, a sum not exceeding [Rs. 20], in a Subordinate Judge's Court or a District Court, a sum not exceeding [Rs. 40] and the Appellate Side of the High Court a sum not exceeding [Rs. 50], shall be deemed to be a reasonable fee within the meaning of this rule.

23.

Where a suit or appeal is remanded for retrial and disposal under Order XLI, Rule 23, Code of Civil Procedure or for a finding on issues under Order XLI, Rule 25, Code of Civil Procedure or remitted for recording additional evidence under Order XLI, Rule 28, Code of Civil Procedure and additional fee not exceeding one-half of the ad valorem fee may be allowed for the retrial or proceedings after such remand.

24.

In cases in which the Court directs the appellant and respondent to pay and receive proportionate costs, the whole costs incurred by each party, including Court-fee, pleaders fee, printing and translation charges, cost of printed papers, batta and the like shall, unless the Court otherwise orders, be taxed by the Taxing Officer and after such taxation, be ordered to be paid and received in the proportion in which the parties have respectively succeeded or failed. Presidency Court of Small Causes, Madras

25.

Where costs are awarded by the Court, and where the certificate prescribed in rule 2 has been obtained, the fees payable in respect of an adversary's Legal Practitioner in the Presidency Court of Small Causes shall be as follows:-In suit not exceeding Rs. 20 in value, a fee not exceeding Rs. 2, in suit exceeding Rs. 20 but not exceeding Rs. 50 in value, a fee of Rs. 5, in suit exceeding Rs. 50 but not exceeding Rs. 100 in value, a fee of Rs. 10 and in suit exceeding Rs. 100 in value, a fee calculated at 10 per cent of the claim.

26.

Fees shall be fixed at the termination of a suit and except as hereinafter mentioned in rule 27 shall be in full satisfaction for all trouble and attention bestowed, but exclusively of any compensation which may be granted under section 26, or section 62 of the Presidency Small Causes Court Act, 1882 (Central Act XV of 1882).

27.

Except where an adjournment is made with the consent of all parties, or where, from insufficiency of notice, a party has not had reasonable time to prepare himself for a trial, or where the adjournment is necessitated by a cause beyond the control of the party, an adjournment shall not be granted, save on the condition, that the party applying pays all the costs of the day including a reasonable fee not exceeding Rs. 10 to the Legal Practitioner engaged by his adversary.

28.

Except by special leave of the Court, fees shall not be allowed in cases entered as compromised, or in any case where the defendant, three days before the day of hearing, has intimated to the Court his intention not to contest the plaintiffs demand. When the defendant confesses judgement or where a number of suits by the same plaintiff are summarily disposed of in succession, the Court shall exercise its discretion in granting fees. In cases of a value exceeding Rs. 500 decided ex parte, three-fifths of the fee usually allowable may be allowed subject to a minimum of Rs. 30.

29.

In respect of claims and proceedings under Chapter VIII of the Presidency Small Causes Court Act, 1882 (Central Act XV of 1882) and other miscellaneous proceedings, the Court may allow a Legal Practitioner such fee as it thinks fit, provided that it shall ordinarily be guided by the scales contained in these rules and that the highest rate of fee allowable is in no case exceeded.

30.

For the purpose of determining the fee to be allowed in suits for ejectment, the amount of one year's rent, and in other suits or proceedings, the amount of debt or damage claimed, or value of the property in dispute, shall be taken to be the value of the suit.

31.

Fees shall not be allowed in any case unless the order of the Judge, and he shall be determined and certify in each case what fee or fees shall be allowed and by whom they shall be paid.