

Sikkim Court Fees (Exemption and miscellaneous Provisions) Act, 1983

SIKKIM

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Act 7 of 1983

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Sikkim Court Fees (Exemption and miscellaneous Provisions) Act, 1983(Act No. 7 of 1983)Last Updated 9th June, 2020[Dated 04.04.1983.]An Act to provide for exemption from payment of court fees in certain cases in Sikkim and for matters connected therewith.Be it enacted by the Legislature of Sikkim in the Thirty fourth Year of the Republic of India as follows:

1. Short title, extent and commencement.

(1)This Act may be called the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983.(2)It extends to the whole of Sikkim.(3)This Act shall come into force from such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Definitions.

- In this Act, unless the context otherwise requires.(a)"court fees" means the cash court fees payable under any law for the time being in force;(b)"Court" includes any Tribunal or Authority in the State;(c)"High Court" means the High Court of Sikkim.

3.

Notwithstanding anything contained in any law relating to payment of court fees, for the time being in force, no court fees shall be payable by a person whose annual income from all sources does not exceed [rupees ten thousand] [Substituted by the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Amendment Act No.2 of 1988 w.e.f. 3/11/87.]

3A. [[Inserted by the Sikkim Court Fees Exemption and Miscellaneous Provisions) Amendment Act, 1985 (1 of 1986) w. e. f. 1/5/83.]

(1)A person claiming exemption under section 3 shall satisfy the court by filing an affidavit or if so required by the Court by adducing oral or documentary evidence that the annual income of such person from all sources is less than [ten thousand rupees].(2)The court may cancel the exemption granted, at any time, before the passing of judgment or final order, on being satisfied that such exemption ought not to have been granted.(3)[No court shall grant the exemption as claimed under section 3 without giving notice to the opposite party and if necessary, conducting an enquiry and passing necessary orders thereof.] [Inserted by the Sikkim Court Fees (Exemption .and Miscellaneous Provisions) Amendment Act No.2 of 1988 w. e. f. 3/11/87.]

4.

(1)The High Court, shall as soon as may be, make rules providing for(a)the fees chargeable for serving and executing processes issued by, such Court in its appellate jurisdiction, and by other Civil and Revenue courts established within the local limits of its jurisdiction(b)the fees chargeable for serving and executing processes issued by Criminal Courts established within its local limits in the case of offences other than offences for which police officers may arrest without a warrant(c)the remuneration of the persons appointed as process servers and other persons' employed, by leave of the High Court, in the service and, execution of processes.(2)The High Court may, from time to time, alter and add to the rules made under sub-section (1).(3)All rules, alterations and additions made under this section shall be confirmed by the State Government and shall be published, in the Official Gazette.

5. Court fees payable in cases filed by Government.

- Notwithstanding anything to the contrary, contained in any notification, order, proclamation, bye-law, rules and regulations, court fees' shall be payable in cases filed by or on behalf of the State Government of Sikkim.

6. [[Inserted by the Sikkim Court Fees, (Exemption and Miscellaneous Provisions Amendment Act, 1985 (No.1 of 1986) w. e. f. 1. 5. 1983.]

No court shall refund' the court fees paid in suits and appeals except, on the following grounds:](i)(a)Withdrawal of a suit without any hearing(b)Settlement or compromise before the commencement, of the trial.(ii)Settlement or compromise in an appeal before the passing of the judgment or final order to the extent of the amount paid as court fees in such appeal.(iii)On remand in, an ,appeal, to the extent of amount paid as court fees in such appeal.