

The Assam Court-Fees (Amendment) Act, 1947

ASSAM

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Act 18 of 1947

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The Assam Court-Fees (Amendment) Act, 1947(Assam Act 18 of 1947)Last Updated 11th February, 2020[Passed by the Assembly][Received the assent of the Governor on the 11th September, 1947]Published in the Assam Gazette of the 17th December, 1947.An Act to amend the Court-fees Act in its application to AssamPreamble. - Whereas it is expedient to amend the Court-fees Act (Act VII of 1870), in its application to the Province of Assam, in the manner hereinafter appearing;It is hereby enacted as follows:

1. Short title and commencement.

(1)This Act shall be called the Assam Court-fees (Amendment) Act, 1947.(2)It shall come into force at once.

2. Insertion of new Sections 7-A, 7-B, 7-C and 7-D in Act VII of 1870.

- After Section 7 of the Court-fees Act, 1870 (Act VII of 1870), the following shall be inserted as Sections 7-A, 7-B, 7-C and 7-D, and shall apply to the whole of Assam, namely:"7-A. Inquiry as to valuation of suits. - If the court is of opinion that the subject-matter of any suit has been wrongly valued, it may revise the valuation and determine the correct valuation, and may hold such inquiry as it thinks fit for such purpose.

7.

-B. Investigation to ascertain proper valuation. - (1) For the purpose of an inquiry under Section 7-A the court may depute or issue a commission to any suitable person to make such local or other investigation as may be necessary and to report thereon to the court. Such report and any evidence recorded by such person shall be evidence in the inquiry.(2)The court may, from time to time, direct such party to the suit as he thinks for fit to deposit such sum as the court thinks reasonable as the cost of the inquiry, and if the costs are not deposited within such time as the court shall fix, may,

notwithstanding anything contained in any other Act, dismiss the suit if such party is the plaintiff or the appellant and, in any other case, may recover the costs as a public demand.

7.

-C. Power of persons making inquiry under Sections 7-A and 7-B. - (1) The court, when making an inquiry under Section 7-A and any person making an investigation under Section 7-B shall have, respectively for the purpose of such inquiry or investigation, the powers vested in a court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:(a)enforcing the attendance of any person and examining him on oath or affirmation;(b)compelling the production of document's or material objects; and(c)issuing commission or the examination of witnesses.(2)An inquiry or investigation referred to in sub-section (1) shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

7.

-D. Costs of inquiry as to valuation and refund of excess fee. - If in the result of an inquiry under Section 7-A the court finds that the subject-matter or the suit has been under-valued, the court may order the party responsible for the under-valuation to pay all or any part of the costs of the inquiry.If in the result of such inquiry the court finds that the subject-matter of the suit has not been under-valued, the court may, in its discretion, order that all or any part of such costs shall be paid by Government or by any party to the suit at whose instance the inquiry has been undertaken, and if any amount exceeding the proper amount of fees has been paid shall refund, the excess amount so paid."