

respect of which or for the benefit of which the improvement expenses were incurred shall be a charge on such premises and may also be recovered in the manner prescribed in section 442.

Fees in proceeding
before the Judge.

419. (1) The ¹[State] Government may, from time to time, by notification in the *Official Gazette*, prescribe what fee, if any, shall be paid :—

(a) on any application, appeal or reference made under this Act to the Judge; and

(b) previous to the issue, in any inquiry or proceeding of the Judge under this Act, of any summons or other process:

Provided that the fees, if any, prescribed under clause (a) shall not, in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees for the time being levied, under the provisions of ²[the relevant Small Cause Courts Act], in cases in which the value of the claim or subject matter is of like amount.

(2) The ¹[State] Government may from time to time by a like notification determine by what person any fee prescribed under clause (a) of sub-section (1) shall be payable.

(3) No application, appeal or reference shall be received by the Judge, until the fee, if any, prescribed therefor under clause (a) of sub-section (1) has been paid.

Exemption of poor
persons from fees.

420. The Judge may, whenever he thinks fit, receive an application, appeal or reference made under this Act, by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees prescribed under section 419.

Repayment of half
fees on settlement
before hearing.

421. Whenever any application, appeal or reference made to the Judge under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Judge to the parties by whom the same have been respectively paid.

VI Appointment of Magistrates

Appointment of
a magistrate of the
First-Class.

422. (1) The ¹[State] Government may with the consent of the Corporation create one or more posts of Magistrates of the First Class for the trial of offences against this Act, or against any rule, regulation or by-law made thereunder and may appoint any person to such post and may also appoint such ministerial officers for the court of any such Magistrate as it may think necessary:

Provided that notwithstanding the appointment of one or more Magistrates of the First Class under this section it shall be open to the District Magistrate subject to the rules for the time being in force under section 17 of the Code of Criminal Procedure, 1898, regulating the distribution of business in the Courts of Magistrates of the First Class to make such distribution of the work of trial of such offences and of all other work before the Courts of the Magistrates (including any appointed under this section) as may appear to him most conducive to efficiency.

V of 1898.

(2) Such Magistrate or Magistrates and their establishments shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by the ¹[State] Government.

(3) The amounts of the salary and other allowances as fixed under sub-section (2) together with all other incidental charges shall be reimbursed to the ¹[State] Government by the Corporation, who shall also pay to the ¹[State] Government such contribution towards the pension, leave and other allowances of such Magistrate or Magistrates and their establishment as may from time to time be fixed by the ¹[State] Government:

Provided that the ¹[State] Government may, with the concurrence of the Corporation, direct that in lieu of the amounts payable under this section the Corporation shall pay to the ¹[State] Government annually, on such date as may be fixed by the ¹[State] Government in this behalf, such fixed sum as may be determined by the ¹[State] Government in this behalf.

VII References to Magistrates

References to
Magistrates.

423. In the following matters references shall be made to a Magistrate of the First Class having jurisdiction within the limits of the City:—

(a) the abatement of overcrowding—under section 307;

(b) the detention of a person suffering from a dangerous disease in a public hospital under the rules.

1. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

2. These words were substituted for the words "the Provincial Small Cause Court Act, 1887" by Guj. 8 of 1968, s.8 (4).