THE PUDUCHERRY COURT FEES AND SUITS VALUATION ACT, 1972
(No. 6 of 1973)

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THE PUDUCHERRY COURT-FEES AND SUITS VALUATION ACT, 1972

(No. 6 of 1973)

6th July 1973.

AN ACT

to amend and consolidate the law relating to court fees and valuation of suits in the Union territory of Puducherry.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-third year of the Republic of India as follows.-

CHAPTER - I

PRELIM INARY

1. **Short title, extent and commencement. -** (1) This Act may be called the Puducherry Court Fees and Suits Valuation Act, 1972.

(2) It extends to the whole of the Union territory of Puducherry.

2. **Application of Act. -** (1) The provisions of this Act shall not apply to documents presented or to be presented before an officer serving under the Central Government.

(2) Where any other law contains provisions relating to the levy of fee in respect of proceedings under such other law, the provisions of this Act relating to the levy of fee in respect of such proceedings shall apply subject to the said provisions of such other law.

3. **Definitions. -** In this Act, unless the context otherwise requires, ---

(i) "appeal" includes a cross-objection;

1. The Act came into force on the 1st day of September 1974, *vide* Notification No.7682 / 69 / C dated 22nd August, 1974.

(ii) "Court" means any Civil, Revenue, or Criminal Court and includes a Tribunal or other authority having jurisdiction under any special or local law to decide questions affecting the rights of parties;

(iii) "Government" means the Administrator of the Union territory of Puducherry appointed by the President under article 239 of the Constitution;

(iv) " prescribed" means prescribed by rules made under this Act;

(v) expressions used and not defined in this Act or in the General Clauses Act, 1897 (Central Act 10 of 1897), but defined in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) shall have the meanings respectively assigned to them in the said Code.

CHAPTER - II

LIABILITY TO PAY FEE

4. **Levy of fee in Courts and Public offices.-** No document which is chargeable with fee under this Act shall,-

(i) be filed, exhibited or recorded in, or be acted on or furnished by, any Court including the High Court, or

(ii) be filed, exhibited or recorded in any public office, or be acted on or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated as chargeable under this Act:

Provided that, whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is in the opinion of the Court necessary to prevent a failure of justice, nothing contained in this section shall be deemed to prohibit such filing or exhibition.

5. **Fees on documents inadvertently received. -** When a document on which the whole or any part of the fee prescribed by this Act has not been paid is produced or has, through mistake or inadvertence, been received in any Court or public office, the Court or the head of the office may, in its, or at his, discretion at any time, allow the person by whom such fee is payable, to pay the fee or part thereof, as the case may be, within such time as may be fixed; and upon such payment, the document shall have the same force and effect as if the full fee had been paid in the first instance.

6. **Multifarious suits. -** (1) In any suit in which separate and distinct reliefs are sought based on the same cause of action, the plaint shall be chargeable with a fee on the aggregate value of the reliefs:

Provided that, if a relief is sought only as ancillary to the main relief, the plaint shall be chargeable only on the value of the main relief.

(2) Where more reliefs than one based on the same cause of action are sought in the alternative in any suit, the plaint shall be chargeable with the highest of the fees leviable on the reliefs.

(3) Where a suit embraces two or more distinct and different causes of action and separate reliefs based on them are sought, either alternatively or cumulatively, the plaint shall be chargeable with the aggregate amount of the fees with which plaints would be chargeable under this Act if separate suits were instituted in respect of the several causes of action:

Provided that, where the causes of action in respect of reliefs claimed alternatively against the same person arise out of the same transaction, the plaint shall be chargeable only with the highest of the fees chargeable on them:

Provided further that nothing in this sub-section shall be deemed to affect any power conferred upon a Court under rule 6 of Order II of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(4) The provisions of this section shall apply *mutatis mutandis* to memoranda of appeals, applications, petitions and written statements.

Explanation. --- For the purpose of this section, a suit for possession of immovable property and for mesne profits shall be deemed to be based on the same cause of action.

7. **Determination of market value. –** (1) Save as otherwise provided, where the fee payable under this Act depends on the market value of any property, such value shall be determined as on the date of presentation of the plaint.

(2) The market value of land in suits falling under section 25(a), 25(b), 27(a), 29, 30, 37(1), 37(3), 38, 45 or 48 shall be deemed to be ---

(a) where the land is assessed, thirty times the survey assessment on the land:
Provided that, 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.

(b) where the land is a house-site whether assessed to full revenue or not, poramboke land, or any other land not falling under clause (a),- its market value.

8. **Set off or counter-claim. -** A written statement pleading a set off or counter- claim shall be chargeable with fee in the same manner as a plaint.

9. **Documents falling under two or more descriptions. -** Subject to the provisions of sections 4 to 8, a document falling within two or more descriptions in this Act shall, where the fees chargeable thereunder are different, be chargeable only with the highest of such fees:

Provided that, where one of such descriptions is special and another general, the fee chargeable shall be the fee appropriate to the special description.

CHAPTER - III
DETERM INATION OF FEE

10. **Statement of particulars of subject-matter of suit and plaintiff's valuation thereof. -** In every suit in which the fee payable under this Act on the plaint depends on the market value of the subject-matter of the suit, the plaintiff shall file with the plaint, a statement in the prescribed form, of particulars of the subject-matter of the suit and his valuation thereof unless such particulars and the valuation are contained in the plaint.

11. **Decision as to proper fee in other Courts. -** (1) In every suit instituted in any Court other than the High Court, the Court shall, before ordering the plaint to be registered, decide on the materials and allegations contained in the plaint and on the materials contained in the statement, if any, filed under section 10, the proper fee payable thereon, the decision being however subject to review, further review and correction in the manner hereinafter specified in this section.

(2) Any defendant may, by his written statement filed before the first hearing of the suit or before evidence is recorded on the merits of the claim, but, subject to sub-section (3) not later, plead that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient. All questions arising on such pleas shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim. If the Court decides that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient, the Court shall fix a date before which the plaint shall be amended in accordance with the Court's decision and the deficit fee shall be paid. If the plaint be not amended or if the deficit fee be not paid within the time allowed, the plaint shall be rejected and the Court shall pass such order as it deems just regarding costs of the suit.

(3) A defendant added after issues have been framed on the merits of claim may, in the written statement filed by him plead that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient. All questions arising on such pleas shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim, and if the Court finds that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient, the Court shall follow the procedure laid down in sub-section (2).

Explanation. --- Nothing in this sub-section shall apply to a defendant added as a successor or a representative in interest of a dependant who was on record before issues were framed on the merits of the claim and who had an opportunity to file a written statement pleading that the subject-matter of the suit was not properly valued or that the fee paid was not sufficient.

(4) (a) Whenever a case comes up before a Court of appeal, it shall be lawful for the Court, either of its own motion or on the application of any of the parties, to consider the correctness of any order passed by the lower Court affecting the fee payable on the plaint or in any other proceedings in the lower Court and determine the proper fee payable thereon.

Explanation. --- A case shall be deemed to come before a Court of appeal even if the appeal relates only to a part of the subject-matter of the suit.

(b) If the Court of appeal decides that the fee paid in the lower Court is not sufficient, the Court shall require the party liable to pay the deficit fee within such time as may be fixed by it.

(c) If the deficit fee is not paid within the time fixed and the default is in respect of a relief which has been dismissed by the lower Court and which the appellant seeks in appeal, the

appeal shall be dismissed, but if the default is in respect of a relief which has been decreed by the lower Court, the deficit fee shall be recoverable as if it were an arrear of land revenue.

(d) If the fee paid in the lower Court is in excess, the Court shall direct the refund of the excess to the party who is entitled to it.

(5) All questions as to value for the purpose of determining the jurisdiction of Courts arising on the written statement of a defendant shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim.

Explanation.- In this section, the expression " merits of the claim" refers to matters which arise for determination in the suit, not being matters relating to the frame of the suit, mis-joinder of parties and causes of action, the jurisdiction of the Court to entertain or try the suit or the fee payable but inclusive of matters arising on pleas of *res judicata,* limitation and the like.

12. **Additional fee on issues framed. -** Where a party becomes liable to pay additional fee by reason of an issue framed in the suit, the provisions of section 11 shall apply to the determination and levy of such additional fee subject to the modification that where the party liable does not pay such additional fee within the time allowed, the Court shall strike off the issue and proceed to hear and decide the other issues in the case.

13. **Relinquishment of portion of claim. -** A plaintiff who has been called upon to pay additional fee may relinquish a part of his claim and apply to have the plaint amended so that the fee paid would be adequate for the claim made in the plaint as amended. The Court shall allow such application on such terms as it considers just and shall proceed to hear and decide the claim made in the plaint as amended:

Provided that the plaintiff shall not be permitted at any later stage of the suit to add to the claim the part so relinquished.

14. **Fee payable on written statements. -** Where fee is payable under this Act on a written statement filed by a defendant, the provisions of section 11 shall apply to the determination and levy of the fee payable on such written statement, the defendant

concerned being regarded for the said purpose as the plaintiff and the plaintiff or the co-defendant or the third party against whom the claim is made being regarded as the defendant.

15. **Fee payable on appeals, etc. -** The provisions of sections 10 to 13 relating to the determination and levy of fee on plaints in suits shall apply *mutatis mutandis* to the determination and levy of fee in respect of a memorandum of appeal, cross- objection or other proceedings in second appeal or in an appeal under the Letters Patent.

16. **Fee payable on petitions, applications, etc. -** The provisions of sections 10 to 13 shall apply *mutatis mutandis* to the determination and levy of fee in respect of petitions, applications and other proceedings in Courts in the same way as they apply to the determination and levy of fee on plaints in suits.

17. **Court-fee Examiners. -** (1) The High Court may depute officers to be designated Court-fee Examiners to inspect the records of subordinate Courts with a view to examine the correctness of representations made to, and orders passed by, Courts on questions relating to valuation of subject-matter and sufficiency of fee in respect of proceedings in such Courts.

(2) Questions raised in the reports submitted by such Court-fee Examiners and relating to any suit, appeal or other proceeding pending in a Court shall be heard and decided by such Court; and for the avoidance of doubt, it is hereby declared that in hearing and deciding a question raised in any such report, it shall be lawful for the Court to review an earlier decision given by the Court on the same question.

18. **Inquiry and commission. –** For the purpose of deciding whether the subject- matter of a suit or other proceeding has been pro e fee paid is sufficient, the Court

may hold such inquiry as it considers proper and may, if it thinks fit, issue a commission to any proper person directing him to make such local or other investigation as may be necessary and to report thereon to the Court.

19. **Notice to the Government. -** In any inquiry relating to the fee payable on a plaint, written statement, petition, memorandum of appeal or other document, or to the valuation of the subject-matter of the claim to which the plaint, written statement, petition, memorandum of appeal or other document relates, in so far as such valuation affects the fee payable, the Court may, if it considers it just or necessary to do so, give notice to the Government; and where such notice is given, the Government shall be deemed to be a party to the suit or other proceeding as respects the determination of the question or questions, aforesaid; and the Court's decision on such question or questions shall when it passes a decree or final order in such suit or proceeding, be deemed to form part of such decree or final order.

CHAPTER - IV

COMPUTATION OF FEE

20. **Fee how reckoned. -** The fee payable under this Act shall be determined or computed in accordance with the provisions of this Chapter, Chapter VII and Schedules I and II.

21. **Fees to be computed to the nearest multiple of five paise. -** In the determination and computation of the amount of fee payable under this Act, any fraction of five paise less than two and a half paise shall be disregarded and any fraction of five paise equal to, or exceeding, two and a half paise shall be regarded as five paise.

22. **Suits for money. -** In a suit for money (including a suit for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically), fee shall be computed on the amount claimed.

23. **Suits for maintenance and annuities. -** In the suits hereinafter mentioned, fee shall be computed as follows: ---

(a) in a suit for maintenance, on the amount claimed to be payable for one year;

(b) in a suit for enhancement or reduction of maintenance, on the amount by which the annual maintenance is sought to be enhanced or reduced;

(c) in a suit for annuities or other sums payable periodically, on five times the amount claimed to be payable for one year:

Provided that, where the annuity is payable for less than five years, the fee shall be computed on the aggregate of the sums payable:

Provided further that a suit for enhancement of maintenance shall be instituted in a Court which will have jurisdiction to receive a suit for maintenance at the enhanced rate claimed and one for reduction of maintenance shall be instituted in a Court which will have jurisdiction to receive a suit for maintenance at the rate which is sought to be reduced.

24. **Suits for movable property. -** (1) In a suit for movable property other than documents of title, fee shall be computed.-

(a) where the subject-matter has a market value, on such value; or

(b) where the subject-matter has no market value, on the amount at which the relief sought is valued in the plaint.

(2) (a) In a suit for possession of documents of title, fee shall be computed on one-fourth of the amount or of the market value of the property secured by the document.-

(i) where the plaint alleges denial of the plaintiff's title to the money or the property secured by the document, or

(ii) where an issue is framed regarding the plaintiff's title to the money or the property secured by the document:

Provided that where the allegation in the plaint or the issue framed relates only to a portion of the amount or property, fee shall be computed on one-fourth of such portion of the amount or on one-fourth of the market value of such portion of the property.

(b) In a suit for possession of documents of title where the plaintiff's title to the money or the property secured by the document is not denied, fee shall be computed on the amount at which the relief sought is valued in the plaint.

Explanation.- The expression " document of title" means a document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, and right, title or interest, whether vested or contingent, in any property.

25. **Suits for declaration. -** In a suit for a declaratory decree or order, whether with or without consequential relief, not falling under section 26.-

(a) where the prayer is for a declaration and for possession of the property to which the declaration relates, fee shall be computed on the market value of the property or on rupees three hundred whichever is higher;

(b) where the prayer is for a declaration and for consequential injunction and the relief sought is with reference to any immovable property, fee shall be computed on one-half of the market value of the property or on rupees three hundred, whichever is higher;

(c) where the prayer relates to the plaintiff's exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or any other thing and is based on an infringement of such exclusive right, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees five hundred, whichever is higher;

(d) in other cases, whether the subject-matter of the suit is capable of valuation or not, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees four hundred, whichever is higher;

26. **Adoption suits. -** In a suit for a declaration in regard to the validity or invalidity of an adoption or the factum of an adoption, fee shall be payable at the following rates, namely.-

(i) In a District Munsif's Court, Rupees fifty.

(ii) In a Sub-Court or a District Court, rupees one hundred if the market value of the property involved in or affected by the relief is 10,000 or less and rupees five hundred if it is above 10,000.

27. **Suits for injunction. -** In a suit for injunction -

(a) where the relief sought is with reference to any immovable property, and

(i) where the plaintiff alleges that his title to the property is denied, or

(ii) where an issue is framed regarding the plaintiff's title to the property,

fee shall be computed on one-half of the market value of the property or on rupees three hundred, whichever is higher;

(b) where the prayer relates to the plaintiff's exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other thing and is based on an infringement of such exclusive right, fee shall be computed on the amount at which the relief sought is valued in plaint or on rupees five hundred, whichever is higher;

(c) in any other case, whether the subject-matter of the suit has a market value or not, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees four hundred, whichever is higher.

28. **Suits relating to trust property. -** In a suit for possession or joint possession of trust property or for a declaratory decree, whether with or without consequential relief in respect of it, between trustees or rival claimants to the office of trustee or between a trustee and a person who has ceased to be trustee, fee shall be computed on one-fifth of the market value of the property subject to a maximum fee of rupees two hundred or where the property has no market value, on rupees one thousand:

Provided that, where the property does not have a market value, value for the purpose of determining the jurisdiction of Courts shall be such amount as the plaintiff shall state in the plaint.

Explanation.- For the purpose of this section, property comprised in a Hindu, Muslim or other religious or charitable endowment shall be deemed to be trust property and the manager of any such property shall be deemed to be the trustee thereof.

29. **Suits for possession under the Specific Relief Act, 1963. -** In a suit for possession of immovable property under section 6 of the Specific Relief Act, 1963 (Central Act 47 of 1963) fee shall be computed on one-half of the market value of the property or on rupees two hundred, whichever is higher.

30. **Suits for possession not otherwise provided for. -** In a suit for possession of immovable property not otherwise provided for, fee shall be computed on the market value of the property or on rupees four hundred, whichever is higher.

31. **Suits relating to easements. -** In a suit relating to an easement, whether by the dominant or the servant owner, fee shall be computed on the amount at which the

relief sought is valued in the plaint, which amount shall in no case be less than rupees three hundred:

Provided that, where compensation is claimed besides other relief relating to such easement, fee shall be paid on the amount claimed as compensation in addition to the fee payable on such other relief.

32. **Pre-emption suits. -** In a suit to enforce a right of pre-emption, fee shall be computed on the amount of the consideration for the sale which the pre-emptor seeks to avoid or on the market value, whichever is less.

33. **Suits relating to mortgages. -** (1) In a suit to recover the money due on a mortgage, fee shall be computed on the amounts claimed.

Explanation. --- It is immaterial that sale of the mortgaged property is not prayed for.

(2) Where, in such a suit, the holder of a prior mortgage or charge is impleaded and he prays in his written statement that the amount due on his mortgage or charge be determined and that the decree contain a direction for the payment of such amount to him, fee shall be payable on the written statement computed on the amount claimed:

Provided that, where the holder of the mortgage or charge has paid a fee in any other proceeding on the claim to which his written statement relates, credit shall be given for the fee paid by him in such other proceeding.

(3) Where, in such a suit, the mortgaged property is sold and the holder of a prior or subsequent mortgage or charge applies for payment to him, out of the sale proceeds of the amount due on his mortgage or charge, such holder of the prior or subsequent mortgage or charge shall pay on his application, a fee computed on the amount claimed by him:

Provided that, where such holder of the mortgage or charge is a party to the suit in which the sale was held and has paid fee on the written statement filed by him in the suit, no fee shall be payable by him on the application for payment out of the sale proceeds:

Provided further that, where the holder of the mortgage or charge, not being a party to the suit in which the sale is held, has paid a fee in any other proceeding on the claim to which his application relates, credit shall be given for the fee paid by him in such other proceeding.

(4) In a suit by a co-mortgagee for the benefit of himself and the other co- mortgagees, fee shall be computed on the amount claimed on the entire mortgage:

Provided that, where a co-mortgagee impleaded as defendant in such suit claims on the entire mortgage a larger sum than is claimed in the plaint, the difference between the fee computed on the entire sum claimed in such defendant's written statement and the fee computed on the entire sum claimed in the plaint shall be payable on the written statement.

Explanation. --- Nothing in this sub-section shall be construed as affecting the law of limitation.

(5) (a) In a suit by a sub-mortgagee to recover the amount claimed on the sub- mortgage by sale of the mortgagee's interest in the mortgaged property, fee shall be computed on the amount claimed under the sub-mortgage.

(b) In a suit by a sub-mortgagee, if the prayer is for the sale of the property mortgaged to the original mortgagee and the original mortgagor is also impleaded as a defendant, fee shall be computed on the entire amount claimed on the original mortgage which is sub-mortgaged to him.

(6) Where the holder of a prior or subsequent mortgage or charge is impleaded in a suit by a co-mortgagee to which sub-section (4) applies or in a suit by a sub-mortgagee to which sub-section (5) applies, the provisions of sub-sections (2) and (3) shall apply *mutatis mutandis* to a written statement or an application filed by such holder of mortgage or charge.

(7) Where the original mortgagee who is impleaded in a suit to which the provisions of sub-section (5) (b) apply claims on the mortgage sub-mortgaged by him a larger amount than is claimed in the plaint, the provisions of sub-section (4) shall apply *mutatis mutandis* to the written statement of such mortgagor.

(8) In a suit against a mortgagee for redemption of a mortgage, fee shall be computed on the amount due on the mortgage as stated in the plaint or on one- fourth of the principal amount secured under the mortgage, whichever is higher:

Provided that, where the amount due in the mortgage is found to be more than the amount on which fee has been paid by the plaintiff, no decree shall be passed until the deficit fee is paid:

Provided further that, in the case of a usufructuary or anomalous mortgage, if the plaintiff prays for redemption as well as for account of surplus profits, fee shall be levied separately on the relief for accounts as in a suit for accounts.

(9) In a suit by a mortgagee to foreclose the mortgage or, where the mortgage is made by conditional sale, to have the sale declared absolute, fee shall be computed on the amount claimed in the plaint by way of principal and interest.

34. **Suits relating to kanams. -** (1) A suit by a landlord for recovery of possession of property transferred by way of kanam or kanam-kuzhikanam shall be deemed to involve the reliefs of redemption and ejectment, and fee shall be levied in respect of each of the reliefs, that is to say, on the kanartham in respect of the relief of redemption and on one year's michavaram or rent in respect of the relief of ejectment.

(2) If in any such suit, arrears of michavaram or rent or damages or both are also sought to be recovered, fee shall be levied also on the amount of such arrears or damages or both:

Provided that, where the plaintiff seeks to set off the kanartham and the value of the improvements due by him to the defendant against arrears of michavaram or rent due to him, fee shall be levied only on the balance claimed; and if the amount ascertained to be due to him

exceeds the amount as estimated by the plaintiff, no decree shall be passed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the amount so ascertained, is paid. If the additional fee is not paid within such time as the Court may fix, the decree shall be limited to the amount to which the fee paid extends.

35. **Suits for accounts. -** (1) In a suit for accounts, fee shall be computed on the amount sued for as estimated in the plaint.

(2) Where the amount payable to the plaintiff as ascertained in the suit is in excess of the amount as estimated in the plaint, no decree directing payment of the amount as so ascertained shall be passed until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the amount so ascertained, is paid. If the additional fee is not paid within such time as the Court may fix, the decree shall be limited to the amount to which the fee paid extends.

(3) Where in any such suit it is found that any amount is payable to the defendant, no decree shall be passed in his favour until he pays the fee due on the amount.

36. **Suits for dissolution of partnership. -** (1) In a suit for dissolution of partnership and accounts or for accounts of dissolved partnership, fee shall be computed on the value of the plaintiff's share in the partnership, as estimated by the plaintiff.

(2) If the value of the plaintiff's share as ascertained in the suit exceeds the value as estimated in the plaint, no decree, or where there has been a preliminary decree, no final decree, shall be passed in favour of the plaintiff, no payment shall be made out of the assets of the partnership and no property shall be allotted as for the plaintiff's share until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the value so ascertained, is paid.

(3) No final decree shall be passed, no money shall be paid and no allotment of property shall be made in favour of a defendant in any such suit as, for or on account of, his share of the assets of the partnership, until the fee computed on the amount or value of his share of the assets of the partnership is paid.

37. **Partition suits. -** (1) In a suit for partition and separate possession of a share of joint family property or of property owned, jointly or in common by a plaintiff who has been excluded from possession of such property, fee shall be computed on the market value of the plaintiff's share.

(2) In a suit for partition and separate possession of joint family property or property owned jointly or in common by a plaintiff who is in joint possession of such property, fee shall be paid at the following rates, namely: --

When the plaint is presented to ----

(i) a District Munsif's Court: Rupees thirty.

(ii) a Sub-Court or a District Court: Rupees thirty if the value of plaintiff's share is 5,000 or less.

(iii) Rupees one hundred if the value is above 5,000 but below 10,000; and

(iv) Rupees two hundred if the value is 10,000 and above.

(3) Where, in a suit falling under sub-section (1) or sub-section (2), a defendant claims partition and separate possession of his share of the property, fee shall be payable on his written statement computed on half the market value of his share or at half the rates specified in sub-section (2) according as such defendant has been excluded from possession or is in joint possession.

(4) Where, in a suit falling under sub-section (1) or sub-section (2), the plaintiff or the defendant seeks cancellation of decree or other document of the nature specified in section 40, separate fee shall be payable on the relief of cancellation in the manner specified in that section.

38. **Suits for Joint Possession. -** In a suit for Joint Possession of joint family property or of property owned, jointly or in common, by a plaintiff who has been excluded from possession, fee shall be computed on the market value of the plaintiff's share.

39. **Administration suits. -** (1) In a suit for the administration of an estate, fee shall be levied on the plaint at the rates specified in section 50.

(2) Where any amount or share or part of the assets of the estate is found due to the plaintiff, and the fee computed on the amount or the market value of such share or part of the assets exceeds the fee paid on the plaint, no payment shall be made and no decree directing payment of money or confirming title to such share or part of the assets shall be passed until the difference between the fee actually paid and the fee computed on the amount or value of the property is paid.

(3) No payment shall be made, no decree directing payment of money or confirming title to any share or part of the assets of the estate shall be passed in favour of a defendant in a suit for administration until the fee computed on the amount or value of such share or part of such assets is paid by such defendant.

(4) In computing the fee payable by a plaintiff or by a defendant under sub- section (2) or sub-section (3), credit shall be given for the fee if any, paid by such plaintiff or by such defendant in any other proceeding in respect of the claim on the basis of which such amount or share or part of the assets of the estate becomes due to such plaintiff or to such defendant.

40. **Suits for cancellation of degrees, etc. -** (1) In a suit for cancellation of a decree for money or other property having a money value, or other document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest in money, movable or immovable property, fee shall be computed on the value of the subject-matter of the suit, and such value shall be deemed to be -

if the whole decree or other document is sought to be cancelled, the amount or value of the property for which the decree was passed on other document was executed;

if a part of the decree or other document is sought to be cancelled, such part of the amount or value of the property.

(2) If the decree or other document is such that the liability under it cannot be split up and the relief claimed relates only to a particular item of property belonging to the plaintiff or to the plaintiff's share in any such property, fee shall be computed on the value of such property or share or on the amount of the decree whichever is less.

Explanation. --- A suit to set aside an award shall be deemed to be a suit to set aside a decree within the meaning of this section.

41. **Suits to set aside attachment. -** (1) In a suit to set aside an attachment by a Civil or Revenue Court of any property, movable or immovable, or of any interest therein or of any interest in revenue, or to set aside an order passed on an application made to set aside the attachment, fee shall be computed on the amount for which the property was attached or on one-fourth of the market value of the property attached, whichever is less.

(2) In a suit to set aside any other summary decision or order of a Civil or Revenue Court, if the subject-matter of the suit has a market value, fee shall be computed on one-fourth of such value, and in other cases, fee shall be payable at the rates specified in section 50.

Explanation. --- For the purpose of this section, the Registrar of Co-operative Societies shall be deemed to be a Civil Court.

42. **Suits for specific performance. -** In a suit for specific performance, whether with or without possession, fee shall be payable.-

(a) in the case of a contract of sale, computed on the amount of the consideration;

(b) in the case of a contract of mortgage, computed on the amount agreed to be secured by the mortgage;

(c) in the case of a contract of lease, computed on the aggregate amount of the fine or premium, if any, and of the average of the annual rent agreed to be paid;

(d) in the case of a contract of exchange, computed on the amount of the consideration, or as the case may be, on the market value of the property sought to be got in exchange;

(e) in other cases, where the consideration for the promise sought to be enforced has a market value, computed on such market value, or where such consideration has no market value, at the rates specified in section 50.

43. **Suits between landlord and tenant. -** (1) In the following suits between landlord and tenant, namely.-

(a) for the delivery by a tenant of the counter part of a lease or for acceptance of patta in exchange for a *muchilika;*

(b) for enhancement of rent;

(c) for the delivery by a landlord of a lease or for obtaining a patta in exchange for a *muchilika;*

(d) for recovering occupancy of immovable property from which a tenant has been illegally ejected by the landlord;

(e) for establishing or disproving a right of occupancy;

fee shall be levied on the amount of rent for the immovable property to which the suit relates, payable for the year next before the date of presenting the plaint.

(2) In a suit for recovery of immovable property from a tenant including a tenant holding over after the termination of a tenancy, fee shall be computed on the premium, if any, and on the rent payable for the year next before the date of presenting the plaint.

Explanation.- "Rent" includes also damages for use and occupation payable by a tenant holding over.

44. **Suits for mesne profits. -** (1) In a suit for mesne profits or for immovable property and mesne profits, fee shall be in respect of mesne profits be computed, where the amount is stated approximately and sued for, on such amount. If the

profits ascertained to be due to the plaintiff are in excess of the profits as approximately estimated and sued for, no decree shall be passed until the difference between the fee actually paid and the fee that would have been payable had the suit comprised the whole of the profits so ascertained is paid.

(2) Where a decree directs an enquiry as to the mesne profits which have accrued on the property, whether prior or subsequent to the institution of the suit, no final decree shall be passed till the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits accrued due till the date of such decree is paid.

(3) Where, for a period subsequent to the date of the decree or final decree, such decree or final decree directs payment of mesne profits at a specified rate, such decree or final decree shall not be executed until the fee computed on the amount claimed in execution has been paid.

45. **Suits under the Puducherry Survey and Boundaries Act, 1967. –** In a suit under section 12 of the Puducherry Survey and Boundaries Act, 1967 (8 of 1967) fee shall be computed on one half of the market value of the property affected by the determination of the boundary or on rupees three hundred, whichever is higher.

46. **Suits to alter or cancel entry in a register. -** In a suit to alter or cancel any entry in a register of the names of proprietors of revenue paying estate, the fee payable shall be fifteen rupees.

47. **Suits relating to public matters. -** In a suit for relief under section 91 or section 92 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) the fee payable shall be fifty rupees.

48. **Inter pleader suits. -** (1) In an interpleaded suit, fee shall be payable on the plaint at the rates specified in section 50.

(2) Where issues are framed as between the claimants, fee shall be payable computed on the amount of the debt or the money or the market value of other property, movable or immovable which, forms the subject-matter of the suit. In levying such fee, credit shall be given for the fee paid on the plaint, and the balance of the fee shall be paid in equal shares by the claimants who claim the debt or the sum of money or the property adversely to each other.

(3) Value for the purpose of determining the jurisdiction of Courts shall be the amount of the debt, or the sum of money or the market value of other property to which the suit relates.

48. **Third party proceedings. -** In third party proceedings, fee shall be levied on one-half of the value of the contribution or indemnity claimed against a third party or against a co-defendant if a claim is made against him:

Provided that, if the suit against the defendant who has filed the third party notice is dismissed, wholly or in part, he shall be entitled to a refund of the whole or a proportionate part of the fee paid by him.

Explanation.- The provisions of this section shall also apply to counter-claims made in third party proceedings.

50. **Suits not otherwise provided for. -** In suits not otherwise provided for, fee shall be payable at the following rates.-

(i) In a Revenue Court—Rupees fifteen.

(ii) In a District Munsif's Court - Rupees thirty.

(iii) In a Sub-Court or a District Court - Rupees thirty if the value of the subject-matter is 5,000 or less; Rupees one hundred if the value is above 5,000 but below 10,000; and Rupees two hundred if the value is Rupees 10,000 and above.

51. **Fee on memorandum of appeal against order relating to compensation. -** The fee payable under this Act on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of property for public purposes shall be computed on the difference between the amount awarded and the amount claimed by the appellant.

52. **Appeals. -** The fee payable in an appeal shall be the same as the fee that would be payable in the Court of first instance on the subject-matter of the appeal:

Provided that, in levying fee on a memorandum of appeal against a final decree by a person whose appeal against the preliminary decree passed by the Court of first instance or by the Court of appeal is pending, credit shall be given for the fee paid by such person in the appeal against the preliminary decree.

Explanation (1). - Whether the appeal is against the refusal of a relief or against the grant of the relief, the fee payable in the appeal shall be same as the fee that would be payable on the relief in the Court of first instance.

Explanation (2). - Costs shall not be deemed to form part of the subject- matter of the appeal except where such costs form themselves the subject-matter of the appeal or relief is claimed as regards costs on grounds additional to, or independent of, the relief claimed regarding the main subject-matter in the suit.

Explanation (3). - In claims which include the award of interest subsequent to the institution of the suit, the interest accrued during the tendency of the suit till the date of decree shall be deemed to be part of the subject-matter of the appeal except where such interest is relinquished.

Explanation (4). - Where the relief prayed for in the appeal is different from the relief prayed for or refused in the Court of first instance the fee payable in the appeal shall be the fee that would be payable in the Court of first instance on the relief prayed for in the appeal.

Explanation (5). - Where the market value of the subject-matter of the appeal has to be ascertained for the purpose of computing or determining the fee payable, such market value shall be ascertained as on the date of presentation of the plaint.

CHAPTER - V
VALUATION OF SUITS

53. **Suits not otherwise provided for. -** (1) In a suit as to whose value for the purpose of determining the jurisdiction of Courts, specific provision is not otherwise made in this Act or in any other law, value for that purpose and value for the purpose of computing the fee payable under this Act shall be the same.

(2) In a suit where fee is payable under this Act at a fixed rate, the value for the purpose of determining the jurisdiction of Courts shall be the market value or where it is not possible to estimate it at a money value such amount as the plaintiff shall state in the plaint.

54. **Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes. -** (1) Notwithstanding anything contained in section 99 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) an objection that by reason of the over-valuation or under-valuation of a suit or appeal, a Court of first instance or lower appellate Court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an appellate Court, unless.-

(a) the objection was taken in the Court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower appellate Court in the memorandum of appeal to that Court, or

(b) the appellate Court is satisfied, for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued and that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits.

(2) If the objection was taken in the manner mentioned in clause (a) of sub- section (1), but the appellate Court is not satisfied as to both the matters mentioned in clause (b) of the sub-section and has before it the materials necessary for the determination of the other grounds of

appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the Court of first instance or lower appellate Court.

(3) If the objection was taken in that manner and the appellate Court is satisfied as to both those matters and has not those materials before it, it shall

proceed to deal with the appeal under the rules applicable to the Court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a Court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an appellate Court shall, so far as they can be made applicable, apply to a Court exercising provisional jurisdiction under section 115 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) or other enactment for the time being in force.

CHAPTER - VI

REFUNDS AND REMISSIONS

55. **Refund in cases of delay in presentation of plaint, etc. -** (1) Where a plaint or memorandum of appeal is rejected on the ground of delay in its representation, or where the fee paid on a plaint or memorandum of appeal is deficient and the deficiency is not made good within the time allowed by law or granted by the Court, or the delay in payment of the deficit fee is not condoned and the plaint or memorandum of appeal is consequently rejected, the Court shall direct the refund to the plaintiff or the appellant, of the fee paid on the plaint or memorandum of appeal which has been rejected.

(2) Where a memorandum of appeal is rejected on the ground that it was not presented within the time allowed by the law of limitation, one-half of the fee shall be refunded.

56. **Refund in cases of remand. –** (1) Where a plaint or memorandum of appeal which has been rejected by the lower Court is ordered to be received or where a suit is remanded in appeal for a fresh decision by the lower Court the Court making the order or remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of appeal; and, if the remand is on second appeal, also on the memorandum of appeal in the first appellate Court, and, if the remand is in Letters Patent Appeal, also on the memorandum of second appeal and memorandum of appeal in the first appellate Court.

(2) Where an appeal is remanded in Second Appeal or Letters Patent Appeal for a fresh decision by the lower appellate Court, the High Court remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of Second Appeal if the remand is in Second Appeal, and of the full amount of fee paid on the memorandum of Second Appeal and the Memorandum of Letters Patent Appeal if the remand is in Letters Patent Appeal:

Provided that, no refund shall be ordered if the remand was caused by the fault of the party who would otherwise be entitled to a refund:

Provided further that, if the order of remand does not cover the whole of the subject-matter of the suit, the refund shall not extend to more than so much fee as would have been originally payable on that part of the subject-matter in the respect whereof the suit has been remanded.

57. **Refund where Court reverses or modifies former decision on ground of mistake. -** Where an application for a review of judgment is admitted on the ground of some mistake or error apparent on the face of the record, and on the rehearing the Court reverses or modifies its former decision on that ground, it shall direct the refund to the applicant of so much of the fee

paid on the application as exceeds the fee payable on any other application to such Court under article 10 (g) of Schedule II.

58. **Refund and settlement before hearing. -** Wherever by agreement of parties,-

(i) any suit is dismissed as settled out of Court before any evidence has been recorded on the merits of the claim, or

(ii) any suit is compromised ending in a compromise decree before any evidence has been recorded on the merits of the claim, or

(iii) any appeal is disposed of before the commencement of hearing of such appeal, half the amount of court fees paid in respect of the claim or claims in the suit or appeal, as the case may be, shall be ordered by the Court to be refunded to the parties by whom the same have been respectively paid.

Explanation.- The expression " merits of the claim" shall have the meaning assigned to it in section 11.

59. **Refund of fee paid by mistake or inadvertence. -** The fee paid by mistake or inadvertence shall be ordered to be refunded.

60. **Instruments of partition. -** Where the final decree in a partition suit has been engrossed on non-judicial stamps furnished by the parties, the Court shall order the refund to the parties of so much of the valued fee paid by them as is equal to the value of the non-judicial stamps furnished by them.

61. **Exemption of certain documents. -** Nothing contained in this Act shall render the following documents chargeable with any fee.-

(i) mukhtarnama, vakalathnama or other written authority to institute or defend a suit when executed by a member of any of the Armed Forces of the Union not in civil employment;

(ii) memorandum of appearance filed by advocates or pleaders when appearing for persons proceeded against in criminal cases;

(iii)

application or petition to a Collector or other Officer making a settlement of land revenue, relating to matters connected with the assessment of land, or with the ascertainment of rights thereto or interest therein, if presented previous to the final confirmation of such settlement;

(iv) application relating to a supply for irrigation of water belonging to Government;

(v) application for leave to extend cultivation or to relinquish land, when presented to an officer of land revenue by a person holding, under a direct engagement with Government, land of which revenue is settled but not permanently;

(vi) application for service of notice of relinquishment of land or of enhancement of rent;

(vii) written authority to an agent to distain;

(viii) first application (other than a petition containing a criminal charge of information) for the summons of a witness or other persons to attend either to give evidence or to produce a document or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court;

(ix) bail bonds in criminal cases, recognizances to prosecute or give evidence and recognizances for personal appearance or otherwise:

(x) petition, application, charge or information respecting any offence when presented, made or laid to or before a Police Officer;

(xi) petition by a prisoner or other person in duress or under restraint of any Court or its officer;

(xii) complaint of a public servant as defined in the Indian Penal Code (Central Act 45 of 1860) or an officer of the Railways;

(xiii) application for permission to cut timber in Government forests or otherwise, relating to such forest, not being applications from forest contractors for extending the period of their leases;

(xiv) application for the payment of money due by the Government to the applicant, other than an application for refund of lapsed deposit made six months after the date on which the amount lapsed to the Government;

(xv) petition of appeal against any municipal tax;

(xvi) application for compensation under any law for the time being in force relating to the acquisition of property for public purposes;

(xvii) petition or appeal by a Government servant when presented to any superior officer of Government against orders of dismissal, reduction or suspension; copies of such orders filed with such appeals, and applications for obtaining such copies.

62. **Power to reduce or remit fees. -** The Government may, by notification in the Official Gazette, reduce or remit, in the whole or in any part of this Union territory, all or any of the fees chargeable under this Act, and may, in like manner, cancel or vary such notification.

CHAPTER - VII
M ISCELLANEOUS

+[63. **Collection of fees by stamps or e-stamps. -** All fees chargeable under this Act shall be collected by stamps or e-stamps].

+[64. **Stamps to be impressed or adhesive or e-stamps. -** The stamps used to denote any fee chargeable under this Act shall be impressed or adhesive or partly impressed and partly adhesive or e-stamps, as the Government may, by notification in the Official Gazette, from time to time direct].

65. **Amended document. -** Where any document which ought to bear a stamp under this Act is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

+Amended vide Act 11 of 2017 and enforced w.e.f 13.12.2017 vide Notification No.8082/DRDM/C3/CFSVA/e-Stamp/2016 dated 09.03.2016.

66. **Cancellation of stamps. -** (1) No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

(2) Such officer as the Court, or the head of the office may, from time to time, appoint shall, on receiving any such document forthwith effect such cancellation by punching out the figure head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

67. **Deduction to be made. -** Where allowance is made in this Act for damaged or spoiled stamps or where fee already paid is directed to be refunded to any person by an order of Court, the Collector may, on the application of the person concerned, pay to him the amount of fee or where damaged or spoiled stamps are produced, he may, after satisfying himself about their genuineness, give in lieu thereof the same amount or value in stamps of the same or any other description, or if the applicant so desires, the same amount or value in money provided that in all cases where money is paid in cash, deduction shall be made of five paise for each rupee or fraction thereof. No such deduction shall however be made where refund is claimed in respect of any fee paid in pursuance of an order of Court which has been varied or reversed in appeal.

68. **Penalty. –** Any person appointed to sell stamps who disobeys any rule made under this Act, and any person, not so appointed who sells or offers for sale any stamps, shall be punishable with imprisonment for a term which extend to six months, or with fine which may extend to five hundred rupees, or with both.

69. **Power of High Court to make rules. -** (1) The High Court may make rules to provide for or regulate all or any of the followin

(a) the fee payable for serving and executing processes issued by the High Court in its appellate jurisdiction and by the Civil and Criminal Courts subordinate thereto;

(b) the remuneration of persons employed by the Courts mentioned in clause (a) in the service or execution of processes;

(c) the fixing by District and Sessions Judge and District Magistrate of the number of process-servers necessary to be employed for the service and execution of processes issued from their respective Courts and the Courts subordinate thereto; (d) the display in each Court of a table in the English and in the local language or languages showing the fees payable for the service and execution of processes.

(2) All rules made under sub-section (1) shall be subject to confirmation by the Government and on such confirmation shall be published in the Official Gazette and shall thereupon have effect as if enacted in this Act.

70. **Power to make rules. -** (1) The Government may make rules to carry out all or any of the purposes of the Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely.-

(a) the fees chargeable for serving and executing processes issued by the Collector and by the Revenue Courts;

(b) the remuneration of the persons necessary to be employed for the service and execution of such processes;

(c) the fixing of the number of persons necessary to be employed for the service and execution of such processes;

(d) the supply of stamps to be used under this Act;

(e) the number of stamps to be used for denoting any fee chargeable under this Act;

(f) the keeping of accounts of all stamps used under this Act;

(g) the circumstances in which stamps may be held to be damaged or spoiled;

(h) the circumstances in which, the manner in which, and the authorities by which, allowance for used, damaged or spoiled stamps may be made;

(i) the regulation of the sale of stamps to be used under this Act, the persons by whom alone such stamps may be sold and the duties and remuneration of such persons; and

(j) any other matter which is to be or may be prescribed, under this Act.

(3) Every rule made under this Act shall as soon as may be after it is made, be laid before the Legislative Assembly, Puducherry, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made or issued, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

71. **Continuance in force of existing rules. -** Until rules are framed under sections 69 and 70 and until notifications are issued under section 62, the rules and notifications now in force in respect of matters referred to in those sections, shall, in so far as they are not inconsistent with this Act, continue.

72. **Repeal and saving. -** (1) The Court Fees Act, 1870 (Central Act 7 of 1870) in its application to the Union territory of Puducherry (except in so far as it relates to fees and stamps relating to documents presented or t y officer serving under the Central

Government), and the Suits Valuation Act, 1887 (Central Act 7 of 1887) in its application to the Union territory of Puducherry are hereby repealed.

(2) All suits and proceedings instituted before the commencement of this Act and all proceedings by way of appeal, revision or otherwise arising there from whether instituted before or after such commencement shall, notwithstanding the repeal of the Court Fees Act, 1870 (Central Act 7 of 1870) and the Suits Valuation Act, 1887 (Central Act 7 of 1887) be governed by the provisions of the said Acts and the rules made thereunder.

SCHEDULE – I

(Section 20)

AD VALOREM FEES

Article (1)	Particulars (2)	Proper fee (3)
1	Plaint or written statement pleading a set off or counter-claim or memorandum of appeal presented to any Court --- When the amount or value of the subject-matter in dispute --- (i) does not exceed five rupees; (ii) exceeds five rupees, for every five rupees or part thereof, in excess of five rupees, up to one hundred rupees; (iii) exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees.	Forty paise. Forty paise. Seventy-five paise.
2	(a) Petition under section 26 of the Provincial Insolvency Act, 1920, or application under section 95 of the Code of Civil Procedure, 1908. (b) Appeal against order on a petition or application falling under clause (a).	An amount of one-half of the scale of fee prescribed in article 1 on the amount or Compensation claimed. On the scale prescribed in article 1 on the amount in dispute.
3	(a) Petition under section 53 or 54 of the Provincial Insolvency Act, 1920. (b) Appeal against order on a petition falling under clause (a) whether by the official receiver or by the unsuccessful party.	An amount of one-half of the scale of fee prescribed in article 1 on the market value of the subject-matter subject to a maximum fee of rupees five hundred. An amount of one-half of the scale of fee prescribed in article 1 on the market value of the subject-matter subject to a maximum fee of rupees five
4	Application for review of judgment.	One-half of the fee payable on the plaint or memorandum of appeal comprising the relief sought in the application for review

SCHEDULE – II

(Section 20)

AD VALOREM FEES

Article (1)	Particulars (2)	Proper fee (3)
1	(i) Petition in a suit under the Converts Marriage Dissolution Act, 1866. (ii) Petition, plaint or memorandum of appeal when presented to a Court under the Dissolution of Muslim Marriages Act, 1939. If, in a suit falling under any of these clauses, there is a specific claim for damages, separate fee at the rates prescribed in article 1 of Schedule-I shall be charged on the amount of damages claimed.	Ten rupees. Ten rupees.
2	Memorandum of appeal from an order inclusive of an order determining any question under section 47 or section 144 of the Code of Civil Procedure, 1908, and not otherwise provided for when presented --- (i) to any Court other than the High Court or to any Executive Officer other than the Chief Controlling Revenue Authority (hereinafter referred to as the Chief Executive Authority; (ii) to the Chief Executive Authority; (iii) to the Government in pursuance of a statutory right to appeal for which no court fee is leviable under any other enactment.	One rupee. Two rupees. Five rupees.
3	Memorandum of appeal under section 39 of the Arbitration Act, 1940*; (i) where the appeal is from an order of a District Munsif's Court or an order of a superior Court in a case where the value for jurisdiction does not exceed 5,000; (ii) in any other case.	Fifteen rupees. One hundred rupees.

* Now, the Arbitration and Conciliation Act 1996, (Central Act 26 of 1997).

Article (1)	Particulars (2)	Proper fee (3)

4	Copy or translation of a judgment or order not being or having the force of a decree.- When such judgment or order is passed by any Civil Court other than the High Court or by the Presiding Officer of any Revenue Court or Office or by any other Court of judicial or executive authority – (a) if the amount or value of the subject-matter is fifty or less than fifty rupees; (b) if such amount or value exceeds fifty rupees.	Fifty paise. One rupee.
5	Copy of translation of a judgment or order of a Criminal Court.	Fifty paise.
6	Copy of a decree or order having the force of a decree.- When such decree or order is made by any Court other than the High Court- (a) if the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees; (b) if such amount or value exceeds fifty rupees.	Seventy-five paise. One rupee and fifty paise.
7	Copy of any document liable to stamp duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn- (a) When the stamp duty chargeable on the original does not exceed fifty paise; (b) in any other case.	The amount of the duty chargeable on the original. Seventy-five paise.
Article (1)	**Particulars (2)**	**Proper fee (3)**
8	Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act or copy of any account, statement, report, or the like taken out of any Court or office of any public officer --- For every document	Seventy-five paise.

9	(a) Application or petition presented to officer of land revenue by any person holding temporarily settled land under direct engagement with government and when the subject-matter of the application or petition relates exclusively to such engagement. (b) Application or petition presented to any officer of land revenue relating to the grant of land on assignment. (c) Application to a Collector for lease of land for agricultural or non-agricultural purposes. (d) Application or petition presented to any Executive Officer under any Act for the time being in force for the conservancy or improvement of any place if the application or petition relates solely to such conservancy or improvement. (e) Application or petition presented to any board or Executive Officer for a copy of translation of any order passed by such board or officer or of any other document or record in such office.	Twenty-five paise. Twenty -five paise. Seventy-five paise. Twenty-five paise. Twenty-five paise.
Article (1)	**Particulars (2)**	**Proper fee (3)**

	(f) Application to a Forest Officer by a forest contractor for extension of the period of lease --- (i) if the value of the subject-matter of the lease is 5,000 or less; (ii) if such value exceeds 5,000 for every 1,000 or part thereof in excess of 5,000 (g) Application for attestation of private documents intended to be used outside India. (h) Application for lapsed deposit presented after six months after the date on which the amount lapsed to the Government --- (i) when the amount or deposit does not exceed 50; (ii) when the amount or deposit exceeds R.50 but does not exceed 1,000; (iii) when it exceeds 1,000. (i) Application or petition presented to the Government and not otherwise provided for ---- (i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law; (ii) in other cases. (j) Application or petition presented to the Chief Executive Authority and not otherwise provided for -- (i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law; (ii) in other cases.	Five rupees. One rupee. One rupee. Fifty paise. One rupee. Two rupees. Two rupees. One rupee and fifty paise. Two Rupees. One rupee and fifty paise.
Article (1)	**Particulars (2)**	**Proper fee (3)**

	(k) Application or petition not falling under clause (i) or (j) and presented to a public officer or in a public Office and not otherwise provided for --- (i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law; (ii) in other cases.	One rupee. Twenty-five paise.
10.	(a) Application or petition presented to any Court for a copy or translation of any judgment, decree or any proceeding of or order passed by such Court or of any other document or record in such Court. (b) Application or petition presented to any Civil Court other than a Principal Civil Court of Original jurisdiction or to any Court of Small Causes constituted under the Provincial Small Cause Courts Act, 1887, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than 50. (c) Application to any Court that records may be called from another Court, when the Court grants the application and is of opinion that the transmission of such records involves the use of the post. (d) Application for permission to deposit revenue or rent either in the office of the Collector or in the Court. (e) Application or petition presented to a Court for determination of the amount of compensation to be paid by a landlord to his tenant.	Twenty-five paise. Twenty-five paise. Seventy-five paise in addition to the fee leviable on the application. Seventy-five paise. One rupee.
Article (1)	**Particulars (2)**	**Proper fee (3)**

	(f) A written complaint or charge of any offence other than an offence, for which a Police Officer may, under the Code of Criminal Procedure, arrest without warrant and presented to any Criminal Court and an oral complaint of any such offence reduced to writing under the Code of Criminal Procedure, 1898*.	One rupee.
	(g) Application or petition presented to any Court or to any Magistrate in his executive capacity and not otherwise provided for in this Act.	Seventy-five paise.
	(h) Application for arrest or attachment before judgment or for temporary injunction when presented to a Civil Court or Revenue Court other than the High Court in relation to any suit of proceeding-	One rupee.
	(1) if the value of the subject matter is less than 50;	Two rupees and fifty paise.
	(2) if the value is 50 and above.	One rupee.
	(i) Application or petition under section 47 and Order XXI, rules 58 and 90 of the Code of Civil Procedure, 1908-	Two rupees and fifty paise.
	(1) when filed in a Revenue Court or a District Munsif's Court;	Five rupees.
	(2) when filed in a Sub-Court or a District Court.	Five rupees.
	(j) Application or petition under sections 34, 72, 73 and 74 of the Indian Trusts Act, 1882.	Ten rupees.
	(k) Original petitions not otherwise provided for when field in-	
	(1) a District Munsif's Court;	
	(2) a Sub-Court or a District Court	

* Now, the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Article (1)	Particulars (2)	Proper fee (3)

	(l) Application to set aside an award under the Arbitration Act, 1940*-	Twenty-five rupees.
	(i) when presented to a District Munsif's Court;	Twenty-five rupees.
	(ii) when presented to a Sub-Court, a District Court or the High Court-	One hundred rupees.
	(1) if the value of the subject-matter of the award does not exceed 5,000,	Two hundred and fifty
	(2) if such value exceeds 5,000 but does not exceed 10,000;	Fifteen rupees.
	(3) if such value exceeds 10,000	Fifteen rupees.
	(m) Application under section 14 or section 20 of the Arbitration Act, 1940*, for a direction for filing an award or for an order for filing an agreement and application for enforcing foreign awards ----	One hundred rupees.
	(i) when presented to a District Munsif's Court-	Two hundred and fifty rupees.
	(ii) when presented to a Sub-Court or a District Court-	Fifty rupees.
	(1) if the value of the subject-matter of the award does not exceed 5,000;	Two hundred rupees.
	(2) if such value exceeds 5,000 but does not exceed 10,000.	
	(3) if such value exceeds 10,000.	
	(n) Election petition questioning the election of a person in respect of-	
	(i) the office of member of a Municipal Council;	
	(ii) the office of Mayor of a Municipality.	

* Now, the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1997).

Article (1)	Particulars (2)	Proper fee (3)
11.	Application for leave to sue as a pauper	Seventy-five paise.
12.	Application for leave to appeal as a pauper—when presented to a District Court or a Sub-Court.	One rupee.

13.	Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898*, or the Code of Civil Procedure, 1908, and not otherwise provided for in this Act.	Seventy-five paise.
14.	Every copy of power-of-attorney when filed in any suit or proceeding.	Seventy-five paise.
15.	Mukhtarnama, Vakalatnama or any paper signed by an advocate signifying or intimating that he is retained for a party --- When presented --- (i) to any Court other than the High Court or to any Collector or Magistrate or other Executive Officer; (ii) to the Chief Executive Authority; (iii) to the Government.	One rupee and fifty paise. Two rupees. Three rupees.
16.	Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908- (i) When presented to a District Munsif's Court in a case where the value of the subject-matter does not exceed 5,000; (ii) in any other case.	Fifteen rupees. One hundred rupees.
17.	Caveat	Ten rupees.

* Now, the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

STATEMENT OF OBJECTS AND REASONS

The Court Fees Act, 1870 (Central Act 7 of 1870) as in force in the Union territory of Andaman and Nicobar islands came into force in this Union territory on 18th December, 1968.

Representations have been received since then both inside and outside the Legislature for its replacement by a new legislation on the model of the Tamil Nadu Court Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) on the ground that the rates of court fees payable specially with reference to small amounts under the Act as extended to this Union territory are greater than the rates of court fees prevailing in the neighboring State of Tamil Nadu.

In the Tamil Nadu Act, the rates of court fees on money suits are uniformly 7 ½ %, whereas the Act as in force in this Union territory provides for a slab, by which the rates get reduced as the money value increases.

Consequently, when compared to the fees payable under the Tamil Nadu Act, the fees payable under the present Act are lower upto 10,000 and higher beyond this level. This is not in keeping with the present policy of the introduction of the

socialistic pattern of society. Leaving this apart, taking the overall picture into account, the adoption of the fees in the Bill will argument our revenue by about 20 to 25%. It has, therefore, been decided to enact a new legislation on the model of the Tamil Nadu Court Fees and Suits Valuation Act, 1955.

The Bill seeks to achieve the above objects.