

SIKKIM  
  
GOVERNMENT GAZETTE  
EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 55

Gangtok, Wednesday, April 6, 1983.

GOVERNMENT OF SIKKIM  
LAW DEPARTMENT  
GANGTOK.

NOTIFICATION

No. 7/LD/1983.

Dated the 6th April, 1983.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 4th day of April, 1983, is hereby published for general information:—

THE SIKKIM COURT FEES (EXEMPTION AND MISCELLANEOUS  
PROVISIONS) ACT, 1983

( ACT NO. 7 OF 1983 )

AN  
ACT

[4.4.1983]

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. (1) This Act may be called the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983. *Short title, extent and commencement.*  
(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. In this Act, unless the context otherwise requires, *Definitions.*
  - (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 the 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 twenty five thousand. *Certain persons not to pay court fees.*

*Power of High Court to make rules as to fees payable for serving processes, etc.*

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.

*Court fees payable in cases filed by Government.*

5. 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.

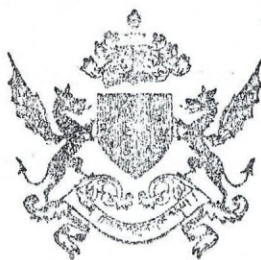
B. R. PRADHAN,

Secretary to the Government of Sikkim,  
Law Department.

F. No. 13 (21) LD/1980.

GOVERNMENT

SIKKIM



GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 8

Gangtok, Saturday, January 25, 1986.

GOVERNMENT OF SIKKIM  
LAW DEPARTMENT  
GANGTOK

No. 1/LD/1986.

Dated the 25th January, 1986.

NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 21st day of January, 1986, is hereby published for general information:—

THE SIKKIM COURT FEES (EXEMPTION AND MISCELLANEOUS PROVISIONS) AMENDMENT ACT, 1985.

(ACT NO. 1 OF 1986)

AN  
ACT

[21.1.1986]

to amend the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983.

Be it enacted by the Sikkim Legislative Assembly in the Thirty-sixth Year of the Republic of India as follows :—

*Short title and commencement.*

1. (1) This Act may be called the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Amendment Act, 1985.
- (2) It shall be deemed to have come into force on the 1st day of May, 1983.

*Insertion of new section 3A.*

2. In the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983 (hereinafter referred to as the principal Act) after section 3, following section shall be inserted, namely :—

*"Procedure for granting exemption.*

- 3A. (1) A person claiming exemption under section 3 shall satisfy the court by filing an affidavit and 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 twenty-five 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."

*Insertion of new  
section 6.*

3. In the principal Act, after section 5, the following section shall be inserted, namely :-

*"Grounds on which  
court fees can be  
refunded."*

6. 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."

M. M. RASAILY,  
Secretary to the Govt. of Sikkim,  
Law Department.  
F. No. 16 (209) LD/86.

# SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

Gangtok, Wednesday, 5th May, 1999

No. 97

GOVERNMENT OF SIKKIM  
LAW DEPARTMENT  
GANGTOK.

No.3/LD/99

## NOTIFICATION

Dated the 4th May, 1999

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 27th day of April, 1999 is hereby published for general information :-

### THE SIKKIM COURT FEES (EXEMPTION AND MISCELLANEOUS PROVISIONS) AMENDMENT ACT, 1999

(ACT NO. 3 OF 1999)

AN

ACT

further to amend the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983.

BE it enacted by the Legislature of Sikkim in the Fiftieth Year of the Republic of India as follows:-

*Short title,  
extent and  
commencement.*

1. (1) This Act may be called the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Amendment Act, 1999.  
(2) It extends to the whole of Sikkim.  
(3) It shall come into force at once.

*Insertion of  
new section 7.*

2. In the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983, after section 6, the following section shall be inserted, namely:-  
"7 Notwithstanding anything contained in the Act in all petitions for cases to be taken up by the Lok Adalats or settled and or processed under Legal Services Authorities Act, 1987, no court fees shall be payable".

By Order of the Governor,

T.D. RINZING  
Secretary to the Govt. of Sikkim,  
Law Department.  
F. No. 16(209)LD/83

Printed at Sikkim Government Press, Gangtok.



# GAZETTE

Gangtok, Tuesday, 18th April, 2000 No. 124

**No.3/LD/2000**

## NOTIFICATION

**THE SIKKIM COURT FEES (EXEMPTION AND MISCELLANEOUS  
PROVISIONS) AMENDMENT ACT, 2000  
(ACT NO. 3 OF 2000)**

AN  
ACT

further to amend the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983.

BE it enacted by the Legislature of Sikkim in the Fifty - first Year of the Republic of India as follows:-

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Amendment Act, 2000.  
(2) It extends to the whole of Sikkim.  
(3) It shall come into force at once.

Amendment of  
section 3.

2. In the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983 (hereinafter referred to as the said Act), in section 3 for the words "rupees ten thousand" the following words shall be substituted, namely:-  
"rupees twenty five thousand".

Deletion of  
sub-section  
(1) and (3)  
of section 3A.

3. In the said Act, in section 3A, sub-section (1) and (3) shall be deleted.

Amendment of  
section 6.

4. In the said Act, in section 6 the following sub-clause shall be inserted after sub-clause (iii), namely:-

"(iv) Settlement by the Lok Adalat".

Substitution of  
new section for  
section 7.

5. In the said Act, for section 7, the following section shall be substituted, namely:-

"7. Notwithstanding anything contained in the Act, no Court fee shall be payable for Suits, Appeals, Writ Petitions, Revisions, Reviews, Miscellaneous Petitions etc. filed by a person who has been provided with legal services or aid under the provisions of the Legal services Authority Act, 1987 and the Rules and Regulations framed thereunder."

By Order of the Governor,

T.D. RINZING,  
SECRETARY TO THE GOVT. OF SIKKIM,  
LAW DEPARTMENT,  
F. No. 16 (82)LD/77-2000

**SIKKIM**

**GOVERNMENT**  **GAZETTE**

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

Gangtok

Tuesday, 22<sup>nd</sup> May, 2007

No. 200

GOVERNMENT OF SIKKIM  
LAW DEPARTMENT  
GANGTOK

No. 1/LD/P/2007

Date: 21.05.2007

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 16<sup>th</sup> day of April 2007 is hereby published for general information:-

**THE SIKKIM COURT FEES (EXEMPTION AND MISCELLANEOUS PROVISIONS)  
AMENDMENT ACT, 2007**

ACT No. 1 of 2007

AN

ACT

further to amend the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983.

Be it enacted by the Legislature of Sikkim in the Fifty-eight year of the Republic of India as follows:-

**Short title,  
extent and  
commencement.**

1. (1) This Act may be called the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Amendment Act, 2007.
- (2) It extends to the whole of Sikkim.
- (3) It shall come into force at once.

**Amendment of  
Section 7.**

2. In the Sikkim Court Fees (Exemption and Miscellaneous Provisions) Act, 1983, in Section 7, the following proviso shall be inserted, namely:-

"Provided that where in a case pending before a Court and the petitioner/plaintiff has not received any legal aid but the case is referred for settlement through any of the mode as provided under Section 89 of the Code of Civil Procedure, 1908 and on such

reference if the dispute is settled, the petitioner/plaintiff shall be entitled to a certificate of such settlement and on production of such certificate of settlement before the District Collector the petitioner/plaintiff shall be entitled to the refund of the full amount of the Court fee paid in respect of such plaint".

By Order.

R.K. Purkayashta (SSJS)  
LR-cum-Secretary  
Law Department

**File No. 16(82)/LD/07**

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*S.G.P.G. - 200/Gazette /150 Nos./Dt:- 22.5.2007.*