

ASSAM ACT XXVIII OF 1972

THE COURT FEES (ASSAM AMENDMENT) ACT, 1972

(Received the assent of the Governor on the 8th December 1972)

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An

Act

further to amend the Court Fees Act, 1870 in its application to Assam

Preamble. Whereas it is expedient further to amend the Act VII of Court-Fees Act, 1870, hereinafter called the principal Act, in its application to Assam, in the manner hereinafter appearing.

It is hereby enacted in the Twenty-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1.(1) This Act may be called the Court Fees (Assam Amendment) Act, 1972.

(2) It extends to the whole of Assam.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

Amendment of
Schedule I of Act
VII of 1870.

2. In Schedule I to the principal Act,—

(1) for Article 1, the following shall be substituted, namely:—

Number		Proper fee
(1)	(2)	(3)
<p>"1. Complaint, written statement, pleading a set-off or counter-claim, or memorandum of appeal (not otherwise provided for in this Act) or, of cross-objection presented to any Civil Revenue Court except those mentioned in section 3.</p>	When the amount or value of the subject matter in dispute does not exceed one hundred rupees, for every five rupees, or, part thereof of such amount or value ;	Fifty-five paise.
	and	
	When such amount or value exceeds one hundred rupees, for every ten rupees or part thereof, in excess of one hundred rupees up to one hundred and fifty rupees ;	One rupee and ninety-five paise.
	and	
	When such amount or value exceeds one hundred and fifty rupees, for every ten rupees, or part thereof upto one thousand rupees ;	One rupee and forty paise.
	and	
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof in excess of one thousand rupees upto seven thousand five hundred rupees ;	Eight rupees and twenty-five paise.
	and	
	When such amount or value exceeds seven thousand five hundred rupees,	Sixteen rupees and fifty paise.

Number

Proper fee

(1)

(2)

(3)

for every two hundred and fifty rupees, or part thereof, in excess of seven thousand five hundred rupees upto ten thousand rupees;

and

When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof in excess of ten thousand rupees upto twenty thousand rupees;

Twenty-four rupees and seventy-five paise.

and

When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof in excess of twenty thousand rupees upto fifty thousand rupees;

Thirty-three rupees.

and

When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof in excess of fifty thousand rupees:

Forty-one rupees and twenty-five paise.

Provided that maximum fee leviable on a plaint or memorandum of appeal shall not exceed eleven thousand rupees "

(2) for articles 6, 7, 8 and 9 the following shall be substituted, namely:—

"6. Copy or translation of a judgement or order not being, or having the force of a decree,

When such judgement or order is passed by any Civil Court other than High Court, or by the Presiding Officer of any

Number

Proper fee

(1)

(2)

(3)

Revenue Court or Office
or by any other Judicial
or Executive Authority:—

- (a) If the amount or value of the subject matter is fifty or less than fifty rupees. One rupee and ten paise.
- (b) If such amount or value exceeds fifty rupees. Two rupees and twenty paise.
- (c) When such judgement or order is passed by a High Court. Four rupees and forty paise.

7. Copy of a decree or order having the force of a decree. When such decree or order is made by any Civil Court other than a High Court, or by any Revenue 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. Two rupees and twenty paise.
- (b) If such amount or value exceeds fifty rupees. Three rupees and thirty paise.
- (c) When such decree or order is made by High Court. Eight rupees and twenty-five paise.

8. 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 one rupee. The amount of the duty chargeable on the original. Act 11 of 1899.
- (b) In any other case One rupee and twenty paise."

Number		Proper fee
(1)	(2)	(3)
9. 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 Civil or Criminal or Revenue Court or office or from the office of any Chief Officer charged with the executive administration of Division.	For every three hundred sixty words or fraction of three hundred and sixty words.	One rupee and twenty paise.

(3) the table of rates of *Ad valorem* fees leviable on the institution of suits at; the end shall be substituted by the following: -

THE SCHEDULE

Table of Rates of *Ad valorem* Fees Leviable on the Institution of Suits

When the amount or value of the subject matter exceeds	But does not exceed	Proper fee
(1)	(2)	(3)
Rs.	Rs.	Rs. P.
" "	5	55
5	10	1-10
10	15	1-65
15	20	2-20
20	25	2-75
25	30	3-30
30	35	3-85
35	40	4-40
40	45	4-95
45	50	5-50
50	55	6-05
55	60	6-60
60	65	7-15
65	70	7-70
70	75	8-25
75	80	8-80
80	85	9-35
85	90	9-90
90	95	10-45

When the amount or
value of the subject
matter exceeds

But does not
exceed

Proper fee

(1)	(2)	(3)
Rs.	Rs.	Rs. P.
95	100	11-00
100	110	12-95
110	120	14-85
120	130	16-80
130	140	18-70
140	150	20-55
150	160	21-95
160	170	23-30
170	180	24-60
180	190	25-90
190	200	27-25
200	210	28-55
210	220	29-90
220	230	31-20
230	240	32-50
240	250	33-85
250	260	35-15
260	270	36-50
270	280	37-80
280	290	39-15
290	300	40-45
300	310	41-75
310	320	43-10
320	330	44-40
330	340	45-75
340	350	47-05
350	360	48-35
360	370	49-70
370	380	51-00
380	390	52-35
390	400	53-65
400	410	54-95
410	420	56-30
420	430	57-60
430	440	58-95
440	450	60-25
450	460	61-55
460	470	62-90
470	480	64-20
480	490	65-55
490	500	66-85
500	510	68-15
510	520	69-50
520	530	70-80
530	540	72-15
540	550	73-45
550	560	74-75
560	570	76-10

When the amount or
value of the subject
matter exceeds

But does not
exceed

Proper fee

(1)	(2)	(3)
Rs.	Rs.	Rs. P.
570	580	77.40
580	590	78.75
590	600	80.05
600	610	81.35
610	620	82.70
620	630	84.00
630	640	85.35
640	650	86.65
650	660	87.95
660	670	89.30
670	680	90.60
680	690	91.95
690	700	93.25
700	710	94.55
710	720	95.90
720	730	97.20
730	740	98.55
740	750	99.85
750	760	101.15
760	770	102.50
770	780	103.80
780	790	105.15
790	800	106.45
800	810	107.75
810	820	109.10
820	830	110.40
830	840	111.75
840	850	113.05
850	860	114.35
860	870	115.70
870	880	117.00
880	890	118.35
890	900	119.65
900	910	120.95
910	920	122.30
920	930	123.60
930	940	124.95
940	950	126.25

Number

Proper fee

(1)

(2)

(3)

5. **Plaint or memorandum of appeal to a suit to establish or disprove a right of occupancy.**

6. **Bail-bond or other instrument obligation given in a 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 by this Act.**

7. **Undertaking under section 49 of the Indian Divorce Act, 1869.**

8.....

9.....

10. **Mukhtarnama or Vakalatnama.**

When presented for the conduct of any one case—

(a) **to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other Executive Officer except such as are mentioned in clauses (b) and (c) of this Number ;**

One rupee and ten paise.

(b) **to a Commissioner of Revenue, Circuit or Customs or to any officer charged with the Executive Administration of a Division, not being the Chief Revenue or Executive Authority ;**

Two rupees and seventy-five paise. Act IV of 1939.

Act V of 1898.

Act V of 1898.

One rupee and ten paise.

Act IV of 1809.

Number

Proper fee

(1)

(2)

(3)

- (c) to a High Court, Chief Commissioner, Board of Revenue, or other Chief Controlling Revenue or Executive Authority, or an appellate Authority prescribed under the Motor Vehicles Act, 1939 or to an Appellate Authority prescribed under the Assam Sales Tax Act, 1947.

Five rupees
and fifty
paise.

Act IV of 1939.

Assam Act XVII
of 1947.

11. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented.

- (a) to any Civil Court other than a High Court, or to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority except an authority specified in clause (b) ;
- (b) to an Excise Appellate Authority under Rule 340 of the Assam Excise Rules ;
- (c) to a High Court or Chief Commissioner or other Chief Controlling Executive or Revenue Authority except an Authority prescribed in clause (b) ;
- (d) To an Excise Appellate Authority under Rule 341 of the Assam Excise Rule :
- (e) to a High Court in miscellaneous revenue matters except (f) below or to an Appellate Authority prescribed under the Motor Vehicles Act, 1939 ; and

Three rupees
and thirty
paise.

Sixteen rupees
and fifty
paise.

Eleven rupees.

Fifty five rupees.

Sixteen rupees
and fifty
paise.

Number	Proper fee
(1)	(3)
(f) to a High Court in appeal and revision matters arising out of settlement of fishery—	
(i) When the bid money is below ten thousand rupees :	Sixteen rupees and fifty paise.
(ii) When the bid money is above then thousand rupees but below twenty thousand rupees :	Twenty-seven rupees and fifty paise.
(iii) When the bid money is above twenty thousand rupees.	Thirty-three rupees.
12. Caveat...	Eleven rupees.
13. Application under Act No.10 of 1859, section 26 or Bengal Act No.6 of 1962, section 9, or Bengal Act No.8 of 1869 section 37.	Five rupees and fifty paise.
14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.	Five rupees and fifty paise.
17. Plaint or memorandum of appeal in each of the following suits :—	
(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court ;	} Sixteen rupees and fifty paise.
(ii) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates ;	

Number		Proper fee
(1)	(2)	(3)
	(iii) to obtain a declaration decree where no consequential relief is prayed ;	Twenty-two rupees.
	(iv) to set aside an award;	Sixteen rupees and fifty paise.
	(v) to set aside an adoption ;	Twenty-two rupees.
	(vi) every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Act.	Sixteen rupees and fifty paise.
18. Application under section 14 or section 20, of the Indian Arbitration Act, 1940, for a direction for filing an award or for an order for filing an agreement.	When presented to a Munsiff's Court.	Sixteen rupees and fifty paise.
	When presented to any other Court.	Fifty-five rupees. Act X of 1940.
19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.		Sixteen rupees and fifty paise. Act V of 1908.
20. Every petition under the Indian Divorce Act, 1869, except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.		Twenty-two rupees. Act IV of 1869.
21. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865.		Twenty-two rupees. Act XV of 1865.