

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA.

No. HHC/Rules/ Misc./95-4282
Dated 15th March, 2005.

16

From

The Registrar General,
High Court of Himachal Pradesh,
Shimla-171001.

To

All the Judicial Officer,
in Himachal Pradesh.

Sub:

Amendments in First and Second Schedules in the Himachal Pradesh Court Fee Act, 1968.

Sir,

I have been directed to enclose ~~the~~ a Photostat copy of notification of the amendments in first and second schedules in the Himachal Pradesh Court Fee Act, 1968, for information and necessary compliance.

The receipt of the letter may please be acknowledged.

Encls:- As above.

D/Reader/ Ahmad for compliance

Add. D+SJ
19/3/05

Yours faithfully,

JN Barowalia
(J. N. BAROWALIA)
REGISTRAR (RULES)

Serial No. *118*
Dated *19/3/05*

[Authoritative English text of Government Notification No. Revenue 1-3 (Stamp) 7/80, dated 21-12-04 as required under clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT
(Stamp-Registration)

NOTIFICATION

Shimla-171 002, the 21st December, 2004

No. Revenue 1-3 (Stamp) 7/80.—In exercise of the powers conferred upon him under section 42 of the Himachal Pradesh Court Fees Act, 1968 (Act No. 8 of 1968), the Governor, Himachal Pradesh is pleased to enhance the fees as per Annexure-A enclosed, mentioned in the Schedules I & II annexed to the Act *ibid*, from the date of its publication in the Rajpatra (Extra-ordinary), Himachal Pradesh.

By order,

C. P. PANDEY,
F. C.-cum-Secretary.

ANNEXURE-"A"

THE FIRST SCHEDULE

(See section 3)

Ad valorem fees

Number 1	2	Proper Fee 3
1. Complaint, written statement pleading a set-off or counterclaim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court except those mentioned in section 3.	When the amount or value of the subject matter in dispute does not exceed five rupees.	One rupee
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees upto one hundred rupees.	One rupee
	When such amount or value exceeds one hundred rupees, but does not exceed five hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, upto five hundred rupees.	One rupee

1	2	3
	When such amount or value exceeds five hundred rupees for every ten rupees, or part upto one thousand rupees.	Two rupees
	When such amount or value exceeds one thousand rupees, for every one hundred rupees or part thereof, in excess of one thousand rupees upto five thousand rupees.	Fifteen rupees
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees upto ten thousand rupees.	Twenty five rupees.
	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.	Forty rupees
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, upto thirty thousand rupees.	Fifty rupees
	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof in excess of thirty thousand rupees, upto fifty thousand rupees.	Fifty rupees
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees or part thereof, in excess of fifty thousand rupees.	Fifty rupees
2. <i>Plaint in a suit for possession under the Specific Relief Act, 1963 (47 of 1963), section 6.</i>		A fee of one half the amount prescribed in the foregoing scale rounded off to the next higher one rupee.

1	2	3
3. Application for review of judgment, if presented on or after the <u>ninetieth</u> day from the date of decree.		The fee leviable on plaint or memorandum of appeal.
4. Application for <u>review of judgment</u> , if presented before the <u>ninetieth</u> day from the date of the decree.		One half of the fee leviable on the plaint or memorandum of appeal rounded off to the next higher one rupee.
5. Copy of translation of judgment, or order not being, or having the <u>force of, a decree.</u>	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 Judicial or Executive Authority.	<u>Six rupees</u>
	When such judgment or order is passed by the High Court.	<u>Thirteen rupees</u>
6. Copy of a decree or order having <u>the force of a decree.</u>	When such decree or order is made by any Civil Court other than the High Court or by any Revenue Court.	<u>Thirteen rupees</u>
	When such decree or order is made by the High Court.	<u>Twenty six rupees.</u>
7. Copy of any document liable to stamp duty under the Indian Stamp Act, 1899 (2 of 1899). When left by any party to a suit or proceeding in place of the original withdrawn, provided such copy is not subject to any duty under the Indian Stamp Act, 1899 (2 of 1899).	(a) when the stamp duty chargeable on the original does not exceed seventy five paise.	One rupee
	(b) in any other case	Five rupees
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 Civil or Criminal or Revenue Court or Office, or from the office of any Chief Officer charged with the executive administration of a division.	For every three hundred and sixty words or fraction of three hundred and sixty words.	Three rupees

1	2	3
9. Probate of a Will or letters of administration with or without Will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceed ten thousand rupees.	Two and one half per centum on such amount or value.
	When such amount or value exceeds ten thousand rupees but does not exceed fifty thousand rupees.	Three and one quarter per centum on such amount or value.
	When such amount or value exceeds fifty thousand rupees:	Four per centum on such amount or value.
	Provided that when after the grant of a certificate under Part X of the Indian Succession Act, 1925 (39 of 1925) or under the Regulation of the Bombay Code No. 8 of 1827 in respect of any property included in an estate, a grant of probate or letter of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.	
10. Certificate under Part X of the Indian Succession Act, 1925 (39 of 1925).	In any case	Two and one half per centum on the amount or value of any debt or security specified in the certificate under section 374 of the Act, and four per centum on the amount or value of any debt or security to which the certificate is extended under section 376 of the Act, rounded off to the next higher one rupee in cases where the fee works out in paise.

1	2	3
<p>11. Application to the High Court for the exercise of its jurisdiction under paragraph 35 of the Himachal Pradesh (Courts) Order, 1948 or to the court of the Financial Commissioner, Himachal Pradesh, for the exercise of its revisional jurisdiction under section 65 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (8 of 1974).</p>	<p>When the amount or value of the subject matter in dispute does not exceed twenty five rupees.</p>	<p>Three rupees</p>
	<p>When such amount or value exceeds twenty five rupees.</p>	<p>The fee leviable on memorandum of appeal.</p>

Notes.—(1) The amount of a debt in its amount including interest, on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act, and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

TABLE OF RATES OF *AD VALOREM* FEES LEVIABLE ON THE INSTITUTION
OF SUITS

When the amount of value of the subject matter exceeds	But does not exceed	Proper fee
1	2	3
	5	1.00
5	10	2.00
10	15	3.00
15	20	4.00
20	25	5.00
25	30	6.00
30	35	7.00
35	40	8.00
40	45	9.00
45	50	10.00
50	55	11.00
55	60	12.00
60	65	13.00
65	70	14.00
70	75	15.00
75	80	16.00
80	85	17.00
85	90	18.00
90	95	19.00
95	100	20.00
100	110	21.00
110	120	22.00
120	130	23.00
130	140	24.00
140	150	25.00
150	160	26.00
160	170	27.00
170	180	28.00
180	190	29.00
190	200	30.00
200	210	31.00
210	220	32.00
220	230	33.00
230	240	34.00
240	250	35.00
250	260	36.00
260	270	37.00
270	280	38.00
280	290	39.00
290	300	40.00
300	310	41.00
310	320	42.00
320	330	43.00
330	340	44.00
340	350	45.00

1	2	3
		46.00
350	360	47.00
360	370	48.00
370	380	49.00
380	390	50.00
390	400	51.00
400	410	52.00
410	420	53.00
420	430	54.00
430	440	55.00
440	450	56.00
450	460	57.00
460	470	58.00
470	480	59.00
480	490	60.00
490	500	62.00
500	510	64.00
510	520	66.00
520	530	68.00
530	540	70.00
540	550	72.00
550	560	74.00
560	570	76.00
570	580	78.00
580	590	80.00
590	600	82.00
600	610	84.00
610	620	86.00
620	630	88.00
630	640	90.00
640	650	92.00
650	660	94.00
660	670	96.00
670	680	98.00
680	690	100.00
690	700	102.00
700	710	104.00
710	720	106.00
720	730	108.00
730	740	110.00
740	750	112.00
750	760	114.00
760	770	116.00
770	780	118.00
780	790	120.00
790	800	122.00
800	810	124.00
810	820	126.00
820	830	128.00
830	840	130.00
840	850	132.00
850	860	

1	2	3
860	870	134.00
870	880	136.00
880	890	138.00
890	900	140.00
900	910	142.00
910	920	144.00
920	930	146.00
930	940	148.00
940	950	150.00
950	960	152.00
960	970	154.00
970	980	156.00
980	990	158.00
990	1000	160.00
1000	1100	175.00
1100	1200	190.00
1200	1300	205.00
1300	1400	220.00
1400	1500	235.00
1500	1600	250.00
1600	1700	265.00
1700	1800	280.00
1800	1900	295.00
1900	2000	310.00
2000	2100	325.00
2100	2200	340.00
2200	2300	355.00
2300	2400	370.00
2400	2500	385.00
2500	2600	400.00
2600	2700	415.00
2700	2800	430.00
2800	2900	445.00
2900	3000	460.00
3000	3100	475.00
3100	3200	490.00
3200	3300	505.00
3300	3400	520.00
3400	3500	535.00
3500	3600	550.00
3600	3700	565.00
3700	3800	580.00
3800	3900	595.00
3900	4000	610.00
4000	4100	625.00
4100	4200	640.00
4200	4300	655.00
4300	4400	670.00
4400	4500	685.00
4500	4600	700.00
4600	4700	715.00

1	2	3
4700	4800	730.00
4800	4900	745.00
4900	5000	760.00
5000	5250	785.00
5250	5500	810.00
5500	5750	835.00
5750	6000	860.00
6000	6250	885.00
6250	6500	910.00
6500	6750	935.00
6750	7000	960.00
7000	7250	985.00
7250	7500	1010.00
7500	7750	1035.00
7750	8000	1060.00
8000	8250	1085.00
8250	8500	1110.00
8500	8750	1135.00
8750	9000	1160.00
9000	9250	1185.00
9250	9500	1210.00
9500	9750	1235.00
9750	10000	1260.00
10000	10500	1300.00
10500	11000	1340.00
11000	11500	1380.00
11500	12000	1420.00
12000	12500	1460.00
12500	13000	1500.00
13000	13500	1540.00
13500	14000	1580.00
14000	14500	1620.00
14500	15000	1660.00
15000	15500	1700.00
15500	16000	1740.00
16000	16500	1780.00
16500	17000	1820.00
17000	17500	1860.00
17500	18000	1900.00
18000	18500	1940.00
18500	19000	1980.00
19000	19500	2020.00
19500	20000	2060.00
20000	21000	2110.00
21000	22000	2160.00
22000	23000	2210.00
23000	24000	2260.00
24000	25000	2310.00
25000	26000	2360.00
26000	27000	2410.00
27000	28000	2460.00

1	2	3
28000	29000	2510.00
29000	30000	2560.00
30000	32000	2610.00
32000	34000	2660.00
34000	36000	2710.00
36000	38000	2760.00
38000	40000	2810.00
40000	42000	2860.00
42000	44000	2910.00
44000	46000	2960.00
46000	48000	3010.00
48000	50000	3060.00
50000	55000	3110.00
55000	60000	3160.00
60000	65000	3210.00
65000	70000	3260.00
70000	75000	3310.00
75000	80000	3360.00
80000	85000	3410.00
85000	90000	3460.00
90000	95000	3510.00
95000	100000	3560.00
100000	105000	3610.00
105000	110000	3660.00
110000	115000	3710.00
115000	120000	3760.00
120000	125000	3810.00
125000	130000	3860.00
130000	135000	3910.00
135000	140000	3960.00
140000	145000	4010.00
145000	150000	4060.00
150000	155000	4110.00
155000	160000	4160.00
160000	165000	4210.00
165000	170000	4260.00
170000	175000	4310.00
175000	180000	4360.00
180000	185000	4410.00
185000	190000	4460.00
190000	195000	4510.00
195000	200000	4560.00
200000	205000	4610.00
205000	210000	4660.00
210000	215000	4710.00
215000	220000	4760.00
220000	225000	4810.00
225000	230000	4860.00
230000	235000	4910.00
235000	240000	4960.00

1	2	3
240000	245000	5010.00
245000	250000	5060.00
250000	255000	5110.00
255000	260000	5160.00
260000	265000	5210.00
265000	270000	5260.00
270000	275000	5310.00
275000	280000	5360.00
280000	285000	5410.00
285000	290000	5460.00
290000	295000	5510.00
295000	300000	5560.00
300000	305000	5610.00
305000	310000	5660.00
310000	315000	5710.00
315000	320000	5760.00
320000	325000	5810.00
325000	330000	5860.00
330000	335000	5910.00
335000	340000	5960.00
340000	345000	6010.00
345000	350000	6060.00
350000	355000	6110.00
355000	360000	6160.00
360000	365000	6210.00
365000	370000	6260.00
370000	375000	6310.00
375000	380000	6360.00
380000	385000	6410.00
385000	390000	6460.00
390000	395000	6510.00
395000	400000	6560.00

And when the amount or value of the subject matter exceeds rupees 4,00,000/- (four lacs) the proper fee leviable shall be Rs. 6560/- (Six thousand five hundred and sixty) plus fifty rupees for each five thousand rupees or part thereof, in excess of rupees 4,00,000 (four lacs.)

THE SECOND SCHEDULE
(See Section 3)
(Fixed Fees)

10 अथवा 40 - 12,560/- ✓
2
12 अथवा 40 - 14,560/- ✓

Number 1	2	Proper Fee 3
1. Application or petition.	(a) when presented to any Officer of the Customs or Excise Department or to any magistrate by any person having dealings	Two rupees

with the Government and when the subject matter or such application relates exclusively to those dealings ;

or when presented to any 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 ;

or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition related solely to such conservancy or improvement ;

or when presented to any Civil Court other than a principal Civil Court of original jurisdiction or to any Court of Small Causes established under section 5 of the Provincial Small Cause Courts Act, 1887 (9 of 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 fifty rupees ;

or when presented to any Civil, Criminal or Revenue Court, or to any Board or Executive Officer for the purpose of obtaining a copy or translation of any judgement, decree, or order passed by such Court, Board or Officer, or of any other document on record in such Court or Office.

- (b) when containing a complaint or charge of any offence other than an offence for which police officers may under the Code of Criminal Procedure, 1898 (5 of 1898) arrest without warrant, and presented to any Criminal Court ;

Six rupees.

or when presented to a Civil, Criminal or Revenue Court, or to Collector or any Revenue Officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act ;

or to deposit in Court revenue or rent, or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant;

(c) when presented to a Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any Chief Officer charged with the Executive Administration of a Division and not otherwise provided for by this Act; Six rupees

(d) when presented to the High Court— Rupees one thousand and three hundred.

(i) under the Companies Act, 1956 (1 of 1956) for winding up a company ;

(ii) under the same act for taking some other judicial action ; Sixty five rupees.

(iii) under Article 226 of the Constitution of India other than petitions for habeas corpus and petitions arising out of criminal proceedings; Two hundred and fifty rupees.

(iv) in all other cases. Thirteen rupees.

2. Application to any Civil Court that records may be called for 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.

Five rupees in addition to any fee levied on the application under:—

Clause (a), clause (b) or clause (d) of article I of this Schedule.

1	2	3
3. Application for leave to sue as a pauper.		Six rupees.
4. Application for leave to appeal as pauper.	(a) when presented to a District Court. (b) when presented to a Commissioner or the High Court.	Six rupees. Thirteen rupees.
5. Plant or memorandum of appeal in a suit to establish or disprove a right of occupancy.		Six rupees.
6. 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 (5 of 1898), or the Code of Civil Procedure, 1908 (5 of 1908) and not otherwise provided for by this Act.		Three rupees.
7. Undertaking under section 49 of the Indian Divorce Act, 1869 (4 of 1869).		Six rupees.
8. Mukhtarnama or Wakalatnama.	When presented for the conduct of any case :—	Six rupees.
	(a) to any Civil or Criminal Court other than the High Court, or to any Collector or Magistrate or other Executive Officer except such as are mentioned in clauses (b) and (c) of this Number ;	
	(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;	Six rupees.
	(c) to the High Court, Board of Revenue, or other Chief Controlling Revenue or Executive Authority.	Thirteen rupees.

1	2	3
9. 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 High Court or to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority; (b) to the High Court or Chief Controlling Executive or Revenue Authority.	Six rupees. Twenty six rupees.
10. Caveat		Thirty three rupees.
11. Petition in a suit under the Converts Marriage Dissolution Act, 1866 (21 of 1866).		Thirty three rupees.
12. Every petition application or memorandum of appeal under the Special Marriage Act, 1954 (43 of 1954) or the <u>Hindu Marriage Act, 1955</u> (25 of 1955).		Ninety eight rupees.
13. Plaint or memorandum of appeal in each of the following suits :—		Ninety eight rupees.
(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 ;		
(ii) to alter or cancel any entry in a register of the name of the proprietors of revenue paying estates ;		
(iii) to obtain a declaratory decree where no consequential relief is prayed ;		
(iv) to set aside an award ;		
(v) to set aside an adoption ;		
(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.		

1	2	3
14. Application under section 20 of the Indian Arbitration Act, 1940 (10 of 1940).		Sixty five rupees
15. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908 (5 of 1908).		Sixty five rupees
16. Every petition under the Indian Divorce Act, 1899 (4 of 1899) except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.		One hundred and ninety five rupees.
17. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936 (3 of 1936).		One hundred and ninety five rupees.
18. Plaint or memorandum of appeal in a suit by a reversioner under the Himachal Pradesh Customary Law for declaration in respect of an alienation of ancestral land.		Ninety eight rupees.
19. Application or memorandum of appeal for relief under the East Punjab Urban Rent Restriction Act, 1949 (3 of 1949) as in force in Himachal Pradesh.		Sixty five rupees
20. Claims for money (whether secured or unsecured) or a claim to set off made against such claims or counter-claims under the Banking Regulation Act, 1949 (Act No. 10 of 1949).	(a) where the amount does not exceed Rs. 2500. (b) where the amount exceeds Rs. 2500 but does not exceed Rs. 10,000. (c) where the amount exceeds Rs. 10,000.	Ninety eight rupees. One hundred and ninety five rupees. Three hundred and twenty five rupees.
21. Memorandum of appeal from and order or decision passed under the provisions of section 45-B of the Banking Regulation Act, 1949 (Act No. 10 of 1949).	(a) where the amount exceeds Rs. 5,000 but does not exceed Rs. 10,000. (b) where the amount exceeds Rs. 10,000.	Three hundred and ninety rupees. Six hundred and fifty rupees.