

# ANDHRA PRADESH COURT FEES AND SUITS VALUATION ACT, 1956

7 of 1956

[22nd March, 1956]

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## **ANDHRA PRADESH COURT FEES AND SUITS VALUATION ACT, 1956**

7 of 1956

[22nd March, 1956]

An Act to amend and consolidate the law relating to court-fees and valuation of suits in the State of Andhra Pradesh Whereas it is necessary and expedient to amend and consolidate the law relating to court-fees and valuation of suits in the State of Andhra Pradesh; Be it enacted in the Seventh Year of the Republic of India as follows :-

## **[CHAPTER 1](#) PRELIMINARY**

### **[1.](#) Short title, extent and commencement :-**

(1) This Act may be called the [Andhra Pradesh Court-fees and Suits Valuation Act, 1956]

<sup>A</sup> [(2) It extends to the whole of the State of Andhra Pradesh.]

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

[a] Substituted for the entry in Col. 3 by the A.P.Act 25 of 1984, S. 2 (19-7-84).

## **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) The provisions of this Act relating to the levy of fee shall be subject to the provisions of any other law relating to the levy of fee in respect of proceedings under such law.

## **3. Definitions :-**

In this Act, unless the context otherwise requires,-

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

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

(iv) expressions used and not defined in this Act or in the Andhra Pradesh General Clauses Act, 1891 (Act I of 1891), but defined in Code of Civil Procedure, 1908 (Central Act V of 1908), shall have the meanings respectively assigned to them in the said Code.

## **CHAPTER 2 LIABILITY TO PAY**

### **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, except on payment of the fee chargeable in respect of such document under this Act: Provided that a document in respect of which the proper fee has not been paid may be filed or exhibited in a Criminal Court if the Court deems it necessary in the interests of justice to do so.

### **5. Collection of proper fee on documents :-**

When a document on which the whole or any part of the fee payable under this Act has not been paid is produced or received in any Court or public office, the Court or the head of the office may, at any time, direct 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 be dealt with 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 based on the same cause of action are sought, the plaint shall be chargeable with a fee on the aggregate value of the reliefs: Provided that if a relief sought is only 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)

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

(b) Nothing in this sub-section shall be deemed to affect any power conferred upon a Court by Rule 6 of Order II in the First Schedule to Code of Civil Procedure, 1908 (Central Act V of 1908).

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

### **7. Determination of market value :-**

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.

### **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 :-**

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 3** DETERMINATION OF FEE

#### **10.** Statement of particulars of subject-matter of suit and plaintiffs 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 :-

(1)

(a) In every suit the Court shall, before ordering the plaint to be registered, decide on the allegations contained in the plaint and on the materials furnished by the plaintiff the proper fee payable thereon.

(b) The decision of the Court under clause (a) regarding the proper fee payable shall be subject to review from time to time as occasion requires.

(2) Any defendant may 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 the hearing of the suit as contemplated by 0. 18 in the First Schedule to the Code of Civil Procedure, 1908 . If the Court decides that the subject- matter of the suit is not properly valued or that the fee paid is not sufficient, the Court shall fix a date before which the subject-matter of the suit shall be valued in accordance with the Courts decision and the deficit fee shall be paid. If within the time allowed, the subject-matter of.the suit is not valued in accordance with the Courts decision or if the deficit fee is not paid, the plaint shall be rejected and the Court shall pass such order as it deems just regarding costs of the suit.

(3)

(a) A Court of Appeal, in which an appeal is filed, may, either of its own motion or on the application of any party, consider the correctness of any order passed by the lower Court regarding the fee payable on the plaint or written statement or in any other proceeding in the lower Court and determine the proper fee payable thereon.

(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 of the proper fee the Court shall direct the refund of the excess to the party who is entitled to it.

(4) Any question relating to the value for the purpose of determining the jurisdiction of Courts shall be heard and decided before the hearing of the suit as contemplated by Order 18 in the First Schedule to Code of Civil Procedure, 1908 .

## **12. Relinquishment of portion of claim :-**

A plaintiff who has been required to pay additional fee may relinquish a part of his claim and apply to have the plaint so amended that the fee paid is sufficient for the claim made in the plaint as amended. The Court may allow such application on such terms as it considers just, the Court may permit the plaintiff at any later stage of the suit to add to the claim the part so relinquished on payment of the additional fee.



### **13. Fee payable on written statements :-**

Where fee is payable under this Act on a written statement filed by a defendant the provisions of S. 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.

### **14. Fee payable on appeals, etc :-**

The provisions of section 10 to section 12 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 proceeding in second appeal or in an appeal under the Letters Patent.

### **15. Fee payable on petitions, applications, etc :-**

The provisions of section 10 to section 12 shall apply, 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.

### **16. 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 the valuation of subject-matter and sufficiency of fee in respect of proceedings in such Courts, and orders, if any, passed by the Courts in relation thereto.

(2) Questions relating to valuation of subject-matter and sufficiency of fee in respect of proceedings in a Court raised in reports submitted by such Court-fee Examiners shall be heard and decided by such Courts.

### **17. Inquiry and commission :-**

For the purpose of deciding whether the subject-matter of a suit or other proceeding has been properly valued or whether the fee paid is sufficient the Court may hold such inquiry as it considers necessary and may, if it thinks fit issue a commission to any person directing him to make such local or other investigation as may be necessary and to report thereon to the Court.

## **18. Notice to the State 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 State Government, and where such notice is given, the State Government shall be deemed to be a party to the suit or other proceeding as regards the determination of any question in the enquiry aforesaid and the Courts decision on such question shall, where it passes a decree or final order in such suit or proceeding, form part of such decree or final order.

## **CHAPTER 4 COMPUTATION OF FEE**

### **19. Fee how computed :-**

The fee payable under this Act shall be computed in accordance with the provisions of this Chapter, Chapter VI, Chapter VIII and Schedules I and II.

### **20. 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.

### **21. Suits for immovable property :-**

Subject to the other provisions of this Act, in a suit relating to immovable property, fee shall be computed on three-fourths of the market value of the property.

### **22. 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

### **23. 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 or at which such relief is valued by the Court, whichever is higher.

(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 where the plaintiffs title to the money or the property secured by the document is denied: Provided that where such denial 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 plaintiffs 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 or at which such relief is valued by the Court whichever is higher.

### **24. Suits for declaration :-**

In a suit for a declaration with or without consequential relief, not falling under section 25 -

(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 movable property or three fourths of the market value of the immovable 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 plaintiffs exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other things 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 at which such relief is valued by the Court, 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 at which such relief is valued by the Court, whichever is higher.

## **25. Adoption suits :-**

In a suit for a declaration involving a question as to the factum or validity of an adoption, fee shall be computed on one-half of the market value of the movable and immovable property involved in, or affected by, such declaration or on rupees five hundred whichever is higher.

## **26. Suits for injunction :-**

In a suit for injunction-

(a) where the relief sought relates to any immovable property, and where the plaintiffs title to the property is denied, fee shall be computed on one-half of the market value of the property or on rupees two hundred, whichever is higher;

(b) where the relief sought relates to the plaintiffs 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 the plaint or at which such relief is valued by the Court, 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 at which such relief is valued by the Court, whichever is higher.

#### **27. Suits relating to trust property :-**

(1) In a suit for joint possession of trust property or for a declaration, with or without consequential relief, between trustees or rival claimants to the office of trustee or between a trustee and a person who has ceased to be a 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.

(2) Where the property has no market value, value for the purpose of determining the jurisdiction of Courts shall be the amount stated in the plaint.

#### **28. Suits for possession under the Specific Relief Act, 1877 :-**

In a suit for possession of immovable property under S.9 of the Specific Relief Act, 1877 (Central Act 1 of 1877), fee shall be computed on one-half of the market value of the property or on rupees two hundred, whichever is higher.

#### **29. Suits for possession not otherwise provided for :-**

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

### **30. Suits relating to easements :-**

In a suit relating to an easement by the dominant or the servient owner, fee shall be computed on the amount at which the relief sought is valued in the plaint or at which such relief is valued by the Court, whichever is higher: Provided that, where compensation is claimed in addition to the relief relating to such easement, fee shall be paid on the amount claimed as compensation in addition to the fee payable on the relief relating to the easement.

### **31. Suits relating to mortgages :-**

(1) In a suit to recover the money due on a mortgage, whether the sale of the mortgaged property is prayed for or not, fee shall be computed on the amount claimed.

(2) If the holder of a prior mortgage or charge impleaded as a defendant in such a suit prays in his written statement for the determination of the amount due on his mortgage or charge and for a direction in the decree 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 prior 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 the holder of a prior or subsequent 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 a prior or subsequent 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, fee shall be computed on the amount claimed on the entire mortgage: Provided that, where any other co-mortgagee impleaded as defendant in such suit claims on the entire mortgage a sum larger than that claimed

in the plaint the difference between the fee computed on the entire sum claimed in such defendants written statement and the fee computed on the entire sum claimed in the plaint shall be payable on the written statement.

(5)

(a) In a suit by a sub-mortgagee to recover the amount claimed on the sub-mortgage by sale of the mortgagees 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 original mortgagee.

(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 on 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 any usufructuary or anomalous mortgagee, if the plaintiff prays for redemption as well as for accounts

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, in the case of a mortgage by conditional sale to have the sale declared absolute, fee shall be computed on the amount claimed in the plaint.

### **32. Suits for accounts :-**

(1) In a suit for accounts, fee shall be computed on the amount 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.

(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.

(4) Whether or not a decree is passed under sub-section (2) or sub-section (3), the fee payable under either of the said sub-sections shall be recoverable as if it were an arrear of land revenue.

### **33. 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 plaintiffs share in the partnership as estimated by the plaintiff.



(2) If the value of the plaintiffs 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 towards the plaintiffs 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 in favour of a defendant, no payment shall be made out of the assets of the partnership and no property shall be allotted towards his share in any such suit until the fee computed on the amount or value of his share of the assets of the partnership is paid.

(4) Whether or not a decree is passed payment made or property allotted under sub-section (2) or sub-section (3), the fee payable under either of the said sub-sections shall be recoverable as if it were an arrears of land revenue.

#### **34. 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 movable property or three-fourths of the market value of the immovable property included in the plaintiffs 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 : When the plaint is presented to-

(i) a District Munsifs Court- Rupees fifty.

(ii) a Subordinate Judges Court or a District Court- plaintiffs share is less than Rs. 10,000. Rupees two hundred if the value is not less than Rs. 10,000.

(3) Where, in a suit falling under sub-section (1) or sub-section (2), the plaintiff or the defendant seeks also cancellation of decree or other document of the nature specified in section 37, separate fee shall be payable on the relief of cancellation in the manner specified in that section.

### **35. 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 movable property or three-fourths of the market value of the immovable property included in the plaintiffs share.

### **36. Administration suits :-**

(1) In a suit for the administration of an estate fee shall be levied on the plaintiff at the rates specified in section 47.

(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 plaintiff, 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 such share or part of such assets is paid.

(3) No payment shall be made and 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.

(5) Whether or not payment is made or decree passed under sub-sec. (2) or sub-section (3), the fee payable under either of the said sub-sections shall be recoverable as if it were an arrear of land revenue.

### **37. Suits for cancellation of decrees, 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-

(a) 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 or other document was executed;

(b) if a part of the decree or other document is sought to be cancelled, such part of the amount or of the 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 plaintiffs 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.

### **38. Suits to set aside attachment, etc :-**

(1) In a suit to set aside an attachment by a Civil or Revenue Court of any movable or immovable property 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 47 .

### **39. Suits for specific performance :-**

In a suit for specific performance, 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 penalty 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 movable property or three-fourths of the market value of the immovable property sought to be taken in exchange;

(e) in other cases, where the consideration for the promise sought to be enforced has a market value, computed on the market value of the movable property or three-fourths of the market value of the immovable property or where such consideration has no market value, at the rate specified in section 47 .

### **40. 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 the 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 the recovery of possession of immovable property from which a tenant has been illegally ejected by the landlord;

(e) for establishing or challenging 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, 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.

(3) In an appeal from a suit to contest a distraint under sub-section (1) or sub-section (2) of section 95 of the Andhra Pradesh (Andhra Area) Estates Land Act, 1908 (Act I of 1908), or to contest the right of sale under section 112 of that Act, fee shall be charged on the amount of the arrears for which the distraint has been made or the sale is proposed to be held.

**41. Suits for mesne profits :-**

(1) In a suit for mesne profits or for immovable property and mesne profits therefrom, fee shall, in respect of mesne profits, be computed on the amount claimed as mesne profits. If the profits ascertained to be due to the plaintiff are in excess of the profits as claimed, 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 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 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 is paid.

(4) Whether or not a decree is passed under sub-section (1) or sub-section (2) or executed under sub-section (3), the fee payable under any of the said sub-sections shall be recoverable as if it were an arrear of land revenue.

#### **42. Suits under the Andhra Pradesh Survey and Boundaries Act, 1923 :-**

In a suit under section 14 of the Andhra Pradesh Survey and Boundaries Act, 1923 (Andhra Pradesh Act VIII of 1923) 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.

#### **43. 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 estates, the fee payable shall be fifteen rupees.

#### **44. Suits relating to public matters :-**

In a suit for relief under S.14 of the Religious Endowments Act, 1863 (Central Act

XX of 1863), or under section 91 or Section 92 of the Code of Civil Procedure, 1908 (Central Act V of 1908), the fee payable shall be fifty rupees.

**45. Interpleader suits :-**

(1) In an interpleader suit, fee shall be payable on the plaint at the rates specified in section 47 .

(2) Where issues are framed regarding contentions of the claimants, fee shall be computed on the amount of the debt or the money or the market value of the movable property .or three-fourths of the market value of the immovable property, 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 the movable property or three-fourths of the market value of the immovable property to which the suit relates.

**46. 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 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.

**47. Suits not otherwise provided for :-**

In suits not otherwise provided for In suits not otherwise provided for fee shall be payable at the following rates :- When the amount or value of the subject-matter in dispute-

(i) is less than Rs. 3,000 Rupees fifty.

(ii) is not less than Rs. 3,000, but does not exceed Rs. 5,000. Rupees one hundred.

(iii) exceeds Rs. 5,000 but does not exceed Rs. 10,000. Rupees two hundred.

(iv) exceeds Rs. 10,000 Rupees three hundred.

#### **48. 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.

#### **49. 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,

### **CHAPTER 5 VALUATION OF SUITS**

#### **50. Suits not otherwise provided for :-**

(1) If no specific provision is made in this Act or in any other law regarding the value of any suit for the purpose of determining the jurisdiction of Courts, 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 of the movable property or three-fourths of the market value of the immovable property or, where it is not possible to estimate it at a money value the amount stated in the plaint.



**51. 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 no jurisdiction with respect to the suit or appeal, exercised jurisdiction with respect thereto shall not be entertained by an appellate Court, unless-

(a) such objection was taken in the Court of first instance at or before the hearing at which issues were first framed 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) Where such 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 that sub-section, it shall, if it has before it the materials necessary for the determination of the other grounds of appeal to itself, dispose of the appeal as if there had been no defect of jurisdiction in the Court of first instance or lower appellate Court.

(3) Where such objection was taken in that manner and the appellate Court is satisfied as to both those matters, it shall, if those materials are not before it, proceed to deal with the appeal or remand the suit or appeal for disposal in accordance with the directions of the appellate Court.

(4) The provisions of this section with respect to an appellate Court shall, so far as may be, apply to a Court exercising revisional jurisdiction under any law for the time being in force.

## **CHAPTER 6** PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION

### **52.** Application for probate or letters of administration :-

(1) Every application for the grant of probate or letters of administration shall be accompanied by a valuation of the estate in duplicate in the Form set forth in Part I of Schedule III,

(2) On receipt of such application, the Court shall send a copy thereof and of the valuation to the Collector of the district in which the estate is situated, or if the estate is situated in more than one district to the Collector of the district in which the portion of the estate, the aggregate value of which is the highest, is situated.

### **53.** Levy of fee :-

(1) The fee chargeable for the grant of probate or letters of administration shall be calculated at the rate or rates specified in the Article 6 of Schedule I -

(a) where the application is made within one year of the date of death of the deceased, on the market value of the estate on such date; or

(b) where the application is made after the expiry of one year from such date, on the market value of the estate on the date of application; Provided that no fee shall be leviable under this Chapter on any property held in trust not beneficially or with general power to confer a beneficial interest.

(2) For the purpose of the computation of fee -

(a) the value of the items mentioned in Annexure B to Part I of Schedule III shall be deducted from the value of the estate; Provided that when an application is made for probate or letters of administration in respect of only part of an estate, no debt, no expenses connected with any funeral rites or ceremonies and no mortgage encumbrance on any part of the estate other than that in respect of which the application is made shall be deducted : Provided further that when, after the grant of a certificate under Part X of the Succession Act, 1925, regarding any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable for the latter grant shall be reduced by the amount of the fee paid for the former grant:

(b) the power of appointment which the deceased had over any property or which was created under a will shall be taken into account, the value being taken to be the value of the property forming the subject-matter of the power.

#### **54. Grant of probate :-**

(1) The grant of probate or letters of administration shall not be delayed by reason of the reference to the Collector under sub-section (2) of section 52 ; but the Court shall not grant probate or letters of administration unless it is satisfied that the fee chargeable under this Act has been paid on the basis of the net value of the estate as furnished in the valuation accompanying the application or in the amended valuation filed under sub- section (3) of section 56 .

(2) Notwithstanding anything contained in sub-section (1), the Court may, without the payment of the proper fee, grant probate or letters of administration to the Administrator- General in his official capacity on his giving an undertaking to the satisfaction of the Court that the said fee will be paid within such time as may be fixed by the Court.

#### **55. Relief in cases of several grants :-**

(1) Whenever a grant of probate or letters of administration has been made in respect of the whole of the property belonging to an estate and the full fee payable

under this Act in respect of the application for such grant has been paid thereon, no fee shall be payable when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

(2) Whenever such grant has been made in respect of any property forming part of an estate, the amount of fee actually paid under this Act for such grant shall be deducted when a like grant is made in respect of the property belonging to the same estate identical with or including the property to which the former grant relates.

### **56. Inquiry by the Collector :-**

(1) The Collector to whom a copy of the application and of the valuation has been sent under sub-section (2) of section 52 , shall examine the same and may make or cause to be made by any officer subordinate to him such inquiry, if any, as he thinks fit as to the correctness of the valuation or where a part only of the property is situated in his district, of the valuation of that part, and may require the Collector of any other district in which any part of the property is situated to furnish him with the correct valuation thereof.

(2) Any Collector required under sub-section (1) to furnish the correct valuation of any property shall comply with the requisition after making or causing to be made by any officer subordinate to him such inquiry, if any, as he thinks fit.

(3) If the Collector is of opinion that the applicant has underestimated the value of the property of the deceased, he may, if he thinks fit, require the attendance of the applicant, either in person or by his agent, and take evidence and inquire into the matter in such manner as he may think fit, and if he is still of opinion that the value of the property has been underestimated, may require the applicant to amend the valuation, and, if the application for probate or letters of administration is pending in Court, to file a copy of the amended valuation in such Court.

(4) If, in any such case, the probate or letters of administration has or have been granted and the applicant amends the valuation to the satisfaction of the Collector and the Collector finds that the fee payable according to the true value of the estate

has not been paid in full, he shall proceed under sub-section (4) of section 58 ; and if the fee paid is in excess of that payable according to the true value of the estate, the excess fee shall be refunded to the applicant.

(5)

(a) If the applicant does not amend the valuation to the satisfaction of the Collector, the Collector shall move the Court to which the application for probate or letters of administration was made for holding an inquiry into the true value of the property.

(b) The Collector shall not move the Court under clause (a) after the expiry of six months from the date on which the inventory required by Section 317 of the Succession Act, 1925 , is exhibited.

#### **57. Application to Court and powers of Court :-**

(1) The Court shall, when moved by the Collector under sub-section (5) of section 56 , hold or cause to be held by any Court or officer subordinate to it an inquiry as to the true value at which the estate of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(2) For the purposes of any such inquiry the Court, or any Court or officer subordinate to it authorised by the Court to hold the inquiry, may examine the applicant on oath either in person or by commission, and may take such further evidence as may be produced to prove the true value of the estate, and where the inquiry has been entrusted to a Subordinate Court or officer, such Court or officer shall return to the Court the evidence taken and report the result of the inquiry and such report and the evidence so taken shall be evidence in the proceedings.

(3) The Court on the completion of the inquiry or on receipt of the report referred to in sub-section (2), as the case may be, shall record a finding as to the true value at which the estate should have been estimated and such finding shall be final.

(4) The Court may make such order as to the costs of the inquiry as it thinks fit.

**58. Provision for cases where insufficient fee has been paid :-**

(1) Where insufficient fee has been paid on any probate or letters of administration on account of any mistake or of want of knowledge at the time that some particular part of the estate belonged to the deceased, if any executor or administrator, acting under such probate or letters, applies to the Collector in the Form set forth in Part II of Schedule III and pays within six months of the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, the difference between the fee which ought to have been paid in the first instance on such probate or letters and the fee actually paid, the Collector shall, if satisfied that insufficient fee was paid in the first instance on account of a mistake and without any intention to defraud or to delay the payment of the proper fee, cause the probate or letters to be duly stamped.

(2) If, in a case falling under sub-section (1), the executor or administrator does not, -within the six months referred to in that sub-section, pay the deficit fee, he shall forfeit a sum equal to five times the deficit fee.

(3) If on application being made under sub-section (1) the Collector is satisfied that the application was not made within six months of the discovery of the mistake or of further effects not included in the original valuation or that the payment of insufficient fee in the first instance was not due to a bona fide mistake, he shall cause the probate or letters to be duly stamped on payment of the deficit fee together with a penalty not exceeding five times such fee.

(4) If, after the grant of probate or letters of administration of an estate, it is found by the Collector that a fee less than that payable according to the true value of the estate has been paid, he shall cause the probate or letters to be properly stamped on payment of the deficit fee, and if he is satisfied that the original undervaluation was not bona fide, he shall levy in addition a penalty not exceeding five times the deficit fee.

(5) The Board of Revenue may remit the whole or any part of the amount forfeited under sub-section (2) or of any penalty under sub-sec. (3) of sub-section (4).

**59. Administrator to give proper security before letters are stamped :-**

where insufficient fee has been paid in the first instance on letters of administration, the Collector shall not cause the same to be duly stamped in the manner aforesaid unless the administrator has given such security to the Court granting the letters of administration as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had then been ascertained.

**60. Relief when fee has been paid in excess :-**

(1) If, at any time after the grant of the probate or letters of administration of an estate, it is discovered that fee has been paid in excess of what was payable according to the true value of the estate, the executor or administrator, as the case may be, may apply for a refund to the Collector to whom a copy of the valuation of the estate was sent under sub-section (2) of section 52 . The application shall be accompanied by an amended valuation in the Form set forth in Part II of Schedule III together with the probate or letters of administration upon which a refund is sought.

(2) If the Collector is satisfied that the amended valuation is correct, he shall -

(i) endorse a certificate on the stamped probate or letters of administration to the effect that so much of the fee represented by the stamp or stamps used has been refunded; and

(ii) refund the difference between the fee originally paid and that which should have been paid: Provided that no refund shall be granted under this section unless the application for refund is made within three years of the date of the grant of the probate or letters of administration or within such further period as the Collector may allow : Provided further that if, by reason of any legal proceedings, the debts due from the deceased have not been ascertained and paid or his effects have not been recovered and made available and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the

said period of three years, the Collector may allow such further time for making the claim as may appear to him to be reasonable under the circumstances.

(3) If the Collector refuses to grant a refund, the executor or administrator, as the case may be, may apply to the Board of Revenue for an order of refund. An application for such refund shall be accompanied by an amended valuation in the Form set forth in Part II, Schedule III.

#### **61. Recovery of penalties, etc :-**

Any fee found to be payable by an applicant for probate or letters of administration or by an executor or administrator, or any costs under sub-section (4) of section 57 or any penalty or forfeiture payable by any such executor or administrator may, on the certificate of the Board of Revenue, be recovered from the executor or administrator as if it were an arrear of land revenue.

#### **62. Powers of Board of Revenue :-**

The powers and duties of the Collector under this Chapter shall be subject to the control of the Board of Revenue.

### **CHAPTER 7 REFUNDS AND REMISSIONS**

#### **63. Refund in cases in rejection of plaint, etc., for delay :-**

(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 insufficient and the deficit fee is not paid within the time allowed 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 may, in its discretion, direct the refund to the plaintiff or the appellant, of the fee, either in whole or in part, paid on the plaint or memorandum of appeal which was 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.



#### **64. Refund in cases of remand :-**

(1) Where a plaint or memorandum of appeal 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 due to 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 respect whereof the suit has been remanded.

#### **65. Refund in cases of review :-**

Where an application for review of judgment is admitted on the ground of some mistake or error apparent on the face of the record and on rehearing, the Court reverses or modifies its former decision on that ground, it shall direct 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 11(g) and (u) of Schedule II.

#### **66. Refund of fee paid by mistake or inadvertence :-**

The fee paid by mistake or inadvertence shall be ordered to be refunded.

#### **67. Exemption of certain documents :-**

Nothing contained in this Act shall render the following documents chargeable with any fee :-

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

(ii) application or petition to a Collector or other officer making a settlement of land revenue, or to the Board of 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;

(iii) application for supply of water belonging to Government for irrigation;

(iv) 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;

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

(vi) written authority to an agent to distrain;

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

(viii) bail bonds in criminal cases other than bail bonds in village courts, recognizances to prosecute or give evidence and recognizances for personal appearance or otherwise;

(ix) petition, application, charge or information respecting any offence when presented, made or laid to or before a police officer, or to or before the heads of villages or the village police;

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

(xi) complaint of a public servant as defined in Indian Penal Code, 1860 or an officer of the State Railway relating to matters arising out of, or in connexion with, the discharge of his official duty;

(xii) 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;

(xiii) petition of appeal against any municipal tax;

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

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

#### **68. Power to reduce or remit fees :-**

The State Government may, by notification in the Andhra Pradesh Gazette, reduce or remit, in the whole or in any part of the territory of .his State, or any of the fees chargeable under this Act, and may, in like manner, cancel or vary such notification.

#### **CHAPTER 8 MISCELLANEOUS**

**69. Collection of fees by stamps :-**

All fees chargeable under this Act shall be collected in stamps.

**70. Stamps to be impressed or adhesive :-**

The stamps used to denote any fee chargeable under this Act shall be impressed or adhesive or partly impressed and partly adhesive, as the State Government may, by notification in the Andhra Pradesh Gazette from time to time, direct.

**71. Amended document :-**

Where any document which ought to bear a stamp under this Act is amended merely for correcting a mistake and making it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

**72. Cancellation of stamp :-**

(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) The officer appointed from time to time by the Court or the head of the office shall, on receiving any such document, effect forthwith such cancellation by punching out the figurehead so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be destroyed.

**73. 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, a deduction shall be made of six naye 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.

#### **74. 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 may extend to six months, or with fine which may extend to five hundred rupees, or with both.

#### **75. Power of High Court to make rules :-**

(1) The High Court may make rules to provide for or regulate all or any of the following matters, namely:-

(a) the fees chargeable 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 Judges 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 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 State Government with or without modification and on such confirmation they shall be published in the Andhra Pradesh Gazette and shall thereupon have effect as if enacted in this Act.

#### **76. Power of Board of Revenue to make rules :-**

(1) The Board of Revenue may, with the previous sanction of the State Government, make rules consistent with this Act to provide for or regulate all or any of the following matters, namely :-

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

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

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

(d) the guidance of Collectors in the exercise of their powers under Chapter VI;

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

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

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

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

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

(j) 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 : Provided that, in the case of stamps used in the High Court, such rules shall be made with the concurrence of the Chief Justice.

(2) All rules made under this section shall be published in the Andhra Pradesh Gazette and on such publication, shall have effect as if enacted in this Act.

#### **77. Power of Government to make rules :-**

(1) The State Government may, by notification in the Andhra Pradesh Gazette, make rules to carry out generally the purposes of this Act.

(2) All notifications and rules made under this section shall, as soon as may be, after they are made, be placed on the table of the Legislative Assembly for fifteen days, and shall be subject to such modification, whether by way of repeal or amendment, as the Legislative Assembly may make during the session in which they are so laid.

#### **78. Continuance in force of existing rules :-**

Until rules are framed under section 75 , section 76 and section 77 and until notifications are issued under section 68 , 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 in force.

#### **79. Repeal and saving :-**

(1) The Court-fees Act, 1870 (Central Act 7 of 1870), in its application to the State of Andhra Pradesh and in relation to the fees and stamps other than fees and stamps relating to documents presented or to be presented before an officer serving under the Central Government and the Suits Valuation Act, 1887 (Central Act 7 of 1887), in its application to the State of Andhra Pradesh 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 therefrom, whether instituted before or after such commencement, shall, notwithstanding the repeal of

the Court-fees Act, 1870 (Central Act 7 of 1870), and Suits Valuation Act, 1887 , be governed by the provisions of the said Acts and the rules made thereunder.

## SCHEDULE 1

### Ad Valorem fees

(See Section 19 ) Article Particulars Proper fee (1) (2) (3) 1 (a) Plaintiff or written statement pleading a set-off or counter-claim in any suit of the nature cognizable by Courts of Small Causes, when the amount or value of the subject-matter does not exceed five hundred rupees if the suit is actually filed and tried as a small cause suit- When the amount or value of the subject-matter in dispute- (i) does not exceed one hundred rupees, for every five rupees or part thereof Forty paise. (ii) exceeds one hundred rupees but does not exceed five hundred rupees, for Eighty paise. every ten rupees or part thereof, in excess of one hundred rupees(b) Plaintiff or written statement pleading a set-off or counter-claim in any suit of the nature cognizable by Court of Small Causes, when the amount or value of the subject matter exceeds five hundred rupees but does not exceed one thousand rupees When the amount or value of the subject-matter in dispute- (i) does not exceed one hundred rupees, for every five rupees or part thereof Sixty paise. (ii) exceeds one hundred rupees but does not exceed one thousand rupees, for One rupee and every ten rupees or part thereof, in excess of one hundred rupees ten paise(c) Plaintiff 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 one hundred rupees, for every five rupees or part thereof Sixty paise. (ii) exceeds one hundred rupees but does not exceed one thousand rupees, for One rupee and every ten rupees or part thereof, in excess of one hundred rupees ten paise(iii) exceeds one thousand rupees, but does not exceed ten thousand rupees, for Seven rupees and every one hundred rupees or part thereof, in excess of one thousand rupees fifty paise. (iv) exceeds ten thousand rupees, but does not exceed twenty thousand rupees for Thirty rupees every five hundred rupees or part thereof, in excess of ten thousand rupees. (v) exceeds twenty thousand rupees, but does not exceed thirty thousand rupees Forty rupees for every one thousand rupees or part thereof, in excess of twenty thousand rupees. (vi) exceeds thirty thousand rupees, but does not exceed fifty thousand rupees, for Sixty rupees every two thousand rupees or part thereof, in excess of thirty thousand rupees. (vii) exceeds fifty thousand rupees, but does not exceed one lakh rupees, for every Eighty rupees four thousand rupees or part thereof, in excess of fifty thousand rupees(viii) exceeds one lakh rupees, for every ten thousand rupees or part thereof, in One hundred excess of one lakh rupees, rupees2. (a) Application under Section 26 of the Provincial Insolvency Act, 1920 , or under Five rupees. Section 95 of the Code of civil Procedure, 1908 . (b) Appeal against order on an application falling under clause (a) Five rupees 3 (a) Petition under section 53 or Section 54 of the Provincial Insolvency Act, 1920 Five rupees (b) Appeal against order on a petition falling under clause (a) whether by the Official Five rupees , Receiver or by the unsuccessful party 4 Memorandum of appeal against order in proceedings under the Indian Succession An amount of Act, 1925 one-half the scale of fee specified in article I on the amount or value of the subject- matter5. Application for review of judgment One-half of the fee payable on the plaintiff or memorandum of appeal comprising the relief sought in the application for review6. Probate of a will or letters of administration with or without will annexed- When the amount or value of the estate in respect of which the grant of probate or let- Two per centum ters is made exceeds one thousand rupees, but does not exceed five thousand rupees on such amount or value When such amount or value exceeds five thousand rupees, but does not exceed fifty Three per centum thousand rupees, on such amount or value When such amount or value



exceeds fifty thousand rupees, but does not exceed one lakh rupees Four per centum on such amount or value When such amount or value exceeds one lakh rupees Five per centum on such amount or value<sup>7</sup>. Certificate under the Indian Succession Act, 1925- Where the amount or value of the debt or security or the aggregate amount or value of the debts and securities specified in the certificate- (i) does not exceed five thousand rupees Two per centum on such amount or value(ii) exceeds five thousand rupees, but does not exceed twenty-five thousand rupees Three per centum on such amount or value(iii) exceeds twenty-five thousand rupees, but does not exceed fifty thousand rupees Four per centum on such amount or value(iv) exceeds fifty thousand rupees, but does not exceed one lakh rupees Five per centum on such amount or value(v) exceeds one lakh rupees Six per centum on such amount or value.

## SCHEDULE 2

2

Article Particulars Proper fee (1) (2) (3) 1 (i) Petition in a suit under the Converts Marriage Dissolution Act, 1866 Ten rupees (ii) Petition, plaint or memorandum of appeal when presented to a Court under the Ten rupees Dissolution of Muslim Marriages Act, 1939 (iii) Petition under the Indian Divorce Act, excluding petitions under section 44 of that Act, and every memorandum of appeal under section 55 of that Act. (iv) Plaint or memorandum of appeal under the Parsi Marriage and Divoree Act, 1936 Thirty rupees or a counter-claim made under section 37 of that Act. (v) Plaint or memorandum of appeal in a suit under the Indian Colonial Divorce juris- Fifty rupees diction Act, 1926 (vi) Petition or memorandum of appeal under Special Marriage Act, 1954 Thirty rupees (vii) Petition or memorandum of appeal under the Hindu Marriage Act, 1955 Ten rupees<sup>2</sup>. Undertaking under section 49 of the Indian Divorce Act, 1869 One rupee 3 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 Board of Revenue or Chief Executive Authority Three rupees. (ii) to the Board of Revenue or Chief Executive Authority Five rupees (iii) to the High Court- (A) From an order other than an order under the Madras Agriculturists Relief Act, 1938 - Where the order was passed by a Subordinate Court or other authority- (a) if the order relates to a suit or proceeding, the value of which exceeds one Ten rupees thousand rupees; (b) in any other case Five rupees (2) Where the appeal is under clause 15 of the Letters Patent- (a) From an order passed in exercise of appellate jurisdiction; Ten rupees (b) in any other case One hundred rupees (3) Where the appeal is under S.45B of the Banking Companies Act, 1949 One hundred rupees (B) From an order under the Madras Agriculturists Relief Act, 1938; Two rupees (iv) to the Government in pursuance of a statutory right to appeal for which no Five rupees court-fee is leviable, under any enactment. 4. Memorandum of appeal under Section 39 of the Arbitration Act, 1940 , where the appeal is from an order of a District Munsifs Court or an order of a superior Court in a case where- (a) the value for jurisdiction does not exceed Rs, 2,000; Fifteen rupees. (b) Such value exceeds Rs. 2,000, but does not exceed Rs. 5,000 Twenty-five rupees (c) such value exceeds Rs. 5,000, but does not exceed Rs. 20,000 One hundred rupees(d) such value exceeds Rs. 20,000 Two hundred rupees<sup>5</sup>. Copy or translation of a judgement or order not being a decree or having the force of a decree- When such judgment or order is passed by any Civil Court other than the High Court One rupee or by the Presiding Officer of any Revenue Court or Office or by any other Court or judicial or executive authority. When such judgment or order is passed by the High Court Two rupees<sup>6</sup>. Copy or translation of a judgment or order of a Criminal Court One rupee 7 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- One rupee order is

made is fifty or less than fifty rupees; (b) if such amount or value exceeds fifty rupees; Two rupees. When such decree or order is made by the High Court Five rupees<sup>8</sup>. Copy of document liable to stamp duty under the Indian Stamp Act, 1899, when substituted by any party to a suit or proceeding in place of the original withdrawn- the duty charge- (a) When the stamp duty chargeable on the original does not exceed fifty naye paise; (b) In any other case . . . . One rupee, 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 Court or office of any public office:- For every three hundred and sixty words or fraction of three hundred and sixty words;\_\_\_\_\_ 10 (a) Application or petition presented to any officer of land revenue by any person One rupee 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 One rupee of on darkhast. (c) Application to a Collector for lease of land for agricultural or non-agricultural One rupee purposes (d) Application or petition presented to any Executive Officer under any Act for the One rupee. 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 or One rupee. translation of any order passed by such Board or Officer or of any other document on record in such office (f) Application to a Forest Officer by a Forest contractor for extension of the period of One rupee. lease- (i) if such value of the subject-matter of the lease is Rs. 5,000 or less; Five rupees. (ii) if such value exceeds Rs. 5,000 for every Rs. 1,000 or part thereof, in excess of One rupee. Rs. 5,000 (g) Application for attestation of private documents intended to be used outside One rupee 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 Rs. 1,000; One rupee. (ii) when it exceeds Rs. 1,000 Two rupees. (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 Two rupees. having the force of law (ii) in other case . . . . One rupee. (j) Application or petition presented to the Board of Revenue or Chief Executive Authority and not otherwise provided for- (i) which involves the exercise or non-exercise of power conferred by law or rule Two rupees having the force of law; (ii) in other cases . . . . One rupee. (k) Application or petition not falling under clause (i) or (j) and presented to a public One rupee. officer or in a public office and not otherwise provided for 11 (a) Application or petition presented to any Court for a copy or translation of any [fifty paise] judgment, decree or any proceeding of, or order passed by, such Court or of any other document on record in such Court (b) Application or petition presented to any Civil Court other than a Principal Civil Twenty five Court of Original Jurisdiction or to any Court of Small Causes constituted under naye paise. 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 Rs. 50 (c) Application to any Court that records may be called from another Court, when the One rupee in Court grants the application and is of opinion that the transmission of such addition to the records involves the use of the post fee leviable on the application. (d) Application for permission to deposit revenue or rent either in the office of the Col- One rupee lector or in the Court. (e) Application or petition presented to a Court for determination of the amount of One rupees compensation to be paid by a landlord to his tenant (f) A written complaint or charge of any offence other than an offence for which a Two rupees. Police Officer, may under Code of Criminal Procedure, 1898, arrest without warrant and present to any Criminal Court and an oral complaint of any such offence reduced to writing under the Code of Criminal Procedure, 1898. (g) Application or petition presented

to any Court, or to any Magistrate in his executive capacity and not otherwise provided for in this Act

(h) Application for arrest or attachment before judgment or for temporary injunction- (i) when presented to a Civil Court or revenue Court other than the High Court in relation to any suit or proceeding- (1) if the value of the subject-matter is less than Rs. 50; One rupee (2) if the value is Rs. 50 and above; Two rupees. (ii) when presented to the High Court; Five rupees. (i) Application or petition under section 47 and Order 21, rules 58 and Section 90 of the Code of Civil Procedure, 1908 ; (i) when filed in a Revenue Court or a District Munsifs Court; One rupee. (ii) when filed in a Subordinate Judges Court or a District Court; Two rupees. (iii) when filed in the High Court; Five rupees. (j) Application or petition under sections 34, 72, 73 and 74 of the Indian Trusts Act Five rupees (k) (i) Application for probate or letters of administration to have effect throughout India Twenty five rupees. (ii) Application for probate or letters of administration and falling under clause (i)- (1) if the value of the estate does not exceed Rs. 1000; One rupee (2) if the value exceeds Rs. 1000; Five rupees. Provided that if a caveat is entered and the application is registered as a suit one-half the scale of fee specified in Article 1 of Schedule 1 on the market value of the estate less the fee already paid on the application shall be levied (1) Original petitions not otherwise provided for when filed in- (i) a District Munsifs Court- (1) under the Madras Village Courts Act, 1883; One rupee (2) in other cases Three rupees. (ii) a Subordinate Judges Court or a District Court; Five rupees. (iii) the High Court Twenty rupees. (m) Application to set aside an award under the Arbitration Act, 1940- (i) when presented to a District Munsifs Court- (1) if the value of the subject-matter of the award does not exceed Rs. 2000; Ten rupees (2) if such value exceeds Rs. 2000; Twenty rupees. (ii) when presented to a Subordinate Judges Court, a District Court or the High Court- (1) if such value does not exceed Rs. 10,000; One hundred rupees (2) if such value exceeds Rs. 10,000 but does not exceed Rs. 25,000: Two hundred rupees (3) if such value exceeds Rs. 25,000 Three hundred rupees (n) 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- (i) when presented to a District Munsifs Court; Fifteen rupees. (ii) when presented to a Subordinate Judges Court, a District Court or the High Court- (1) if the value of the subject matter of the award does not exceed Rs. 5,000; Fifteen rupees (2) if such value exceeds Rs. 5,000 but does not exceed Rs. 10,000; One hundred rupee (3) if such value exceeds Rs. 10,000; Two hundred and fifty rupees (o) Petition to the High Court for the admission of an Advocate, Attorney or Vakil Twenty rupees. (p) Application presented to the High Court under section 24 of the Press (Objectionable Matters) Act, 1951; Fifty rupees (q) Revision petition presented to the High Court under Section 115 of the Code of Civil Procedure, 1908 , under S.25 of the Provincial Small Cause Courts Act, 1887, or under the provisions of any other Act, arising out of a suit or proceeding- (i) if the value of the suit or proceeding to which the order sought to be revised Five rupees. relates does not exceed Rs. 1,000; (ii) if such value exceeds Rs. 1,000 ... - Ten rupees (r) Petition under Ss. 153, 166 and 221 of the Indian Companies Act 1913 in connection with the binding up of a Company rupees (s) Petition to the High Court under Article 226 of the Constitution for a writ other than the writ of Habeas Corpus or a petition under An. 227 of the Constitution rupees (t) Application under S.45 of the Specific Relief Act, 1877 One hundred rupees (u) Application or petition presented to the High Court and not otherwise specifically provided for (v) Election petition questioning the election of a person in respect of- (i) the office of member of a panchayat; Twenty-five rupees (ii) the office of president of a panchayat; Fifty rupees. (iii) the office of member of municipal council or a district board; One hundred rupees (iv) the office of chairman of a municipality or president of a district board Two hundred rupees (w) Application under S.145 of Code of Criminal Procedure, 1973 Five rupees. 12. Application for leave to sue as a pauper ... - One

rupee13. Application for leave to appeal as a pauper- (i) when presented to a District Court or a Subordinate Judges Court; One rupee. (ii) when presented to the High Court ... .. Two rupees14. (i) Bail bond or other instrument of obligation when filed in village Courts One rupee(ii) Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of Code of Criminal Procedure, 1898 or Code of Civil Procedure, 1908 and not otherwise provided for in this Act, 15 Every copy of power-of-attorney when filed in any suit or proceeding One rupee16. Mukhtarnama, Vakalatnama or any paper signed by an advocate signifying or inti- mating 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 Two rupeesexecutive officer; (ii) to the Board of Revenue or a Chief Executive Authority; Three rupees. (iii) to the High Court ... .. Five rupees. (iv) to the Government .. .. . Five rupees17. Agreement in writing staling a question for the opinion of the Court under the Code of Civil Procedure, 1908- (i) when presented to a District Munsifs Court ... .. Fifteen rupees (ii) in any other case ... .. . One hundred rupees18. Caveat ... .. . Ten rupees.

**SCHEDULE 3**

3

Part 1 (See section 52 and section 53 ) Form of Valuation (to be used with such modifications, if any, as may be necessary) of Estate IN THE COURT OF Re: Probate of the Will of (or administration of the Estate ), Deceased1. I (A, B) solemnly affirm/make oath and say that I am the executor (or one of the executors or one of the next of kin) of deceased, and that I have truely set forth in Annexure A to this Form of Valuation all the estate of which the abovenamed deceased died possessed or to which he was entitled at the time of his death, and which has come, or is likely to come, to my hands2, I further say that I have also truly set forth in Annexure B to this Form of Valuation all the items which I am by law allowed to deduct3. I further declare that the said estate exclusive only of the last mentioned items was on the date of the death of the said deceased under the value of \*is 4. I, (A, B.) further declare that is stated in this Form of Valuation is true to the best of my information and belief(Signed) A, B -----