

**The Court-Fees (Bihar Amendment) Act 2010****(Bihar Act 13, 2010)**

Amendment in Schedule I and II of the Court Fees Act, 1870.

Any fee payable under Schedule I and Schedule II of the Court-Fees Act, 1870 calculated in paise shall be rounded off in rupee

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**SCHEDULE I****TABLE OF RATE OF AD VALOREM FEE LEVIABLE ON INSTITUTION OF SUITS.**

When the amount or value of subject matter exceeds.	But does not exceed.	Proper fee.
1	2	3
Rs.	Rs.	Rs.
5.00	10.00	2.00
10.00	15.00	3.00
15.00	20.00	4.00
20.00	25.00	5.00
25.00	30.00	6.00
30.00	35.00	7.00
35.00	40.00	8.00
40.00	45.00	9.00
45.00	50.00	10.00
50.00	55.00	11.00
55.00	60.00	12.00
60.00	65.00	13.00
65.00	70.00	14.00
70.00	75.00	15.00
75.00	80.00	16.00
80.00	85.00	17.00
85.00	90.00	18.00
90.00	95.00	19.00
95.00	100.00	20.00
100.00	110.00	22.00
110.00	120.00	24.00
120.00	130.00	26.00
130.00	140.00	28.00
140.00	150.00	30.00
150.00	160.00	32.00
160.00	170.00	34.00
170.00	180.00	36.00
180.00	190.00	38.00
190.00	200.00	40.00
200.00	210.00	42.00

1	2	3
210.00	220.00	44.00
220.00	230.00	46.00
230.00	240.00	48.00
240.00	250.00	50.00
250.00	260.00	52.00
260.00	270.00	54.00
270.00	280.00	56.00
280.00	290.00	58.00
290.00	300.00	60.00
300.00	310.00	62.00
310.00	320.00	64.00
320.00	330.00	66.00
330.00	340.00	68.00
340.00	350.00	70.00
350.00	360.00	72.00
360.00	370.00	74.00
370.00	380.00	76.00
380.00	390.00	78.00
390.00	400.00	80.00
400.00	410.00	82.00
410.00	420.00	84.00
420.00	430.00	86.00
430.00	440.00	88.00
440.00	450.00	90.00
450.00	460.00	92.00
460.00	470.00	94.00
470.00	480.00	96.00
480.00	490.00	98.00
490.00	500.00	100.00
500.00	510.00	102.00
510.00	520.00	104.00
520.00	530.00	106.00
530.00	540.00	108.00
540.00	550.00	110.00
550.00	560.00	112.00
560.00	570.00	114.00

1	2	3
570.00	580.00	116.00
580.00	590.00	118.00
590.00	600.00	120.00
600.00	610.00	122.00
610.00	620.00	124.00
620.00	630.00	126.00
630.00	640.00	128.00
640.00	650.00	130.00
650.00	660.00	132.00
660.00	670.00	134.00
670.00	680.00	136.00
680.00	690.00	138.00
690.00	700.00	140.00
700.00	710.00	142.00
710.00	720.00	144.00
720.00	730.00	146.00
730.00	740.00	148.00
740.00	750.00	150.00
750.00	760.00	152.00
760.00	770.00	154.00
770.00	780.00	156.00
780.00	790.00	158.00
790.00	800.00	160.00
800.00	810.00	162.00
810.00	820.00	164.00
820.00	830.00	166.00
830.00	840.00	168.00
840.00	850.00	170.00
850.00	860.00	172.00
860.00	870.00	174.00
870.00	880.00	176.00
880.00	890.00	178.00
890.00	900.00	180.00
900.00	910.00	182.00
910.00	920.00	184.00
920.00	930.00	186.00



1	2	3
930.00	940.00	188.00
940.00	950.00	190.00
950.00	960.00	192.00
960.00	970.00	194.00
970.00	980.00	196.00
980.00	990.00	198.00
990.00	1,000.00	200.00
1,000.00	1,100.00	216.00
1,100.00	1,200.00	232.00
1,200.00	1,300.00	248.00
1,300.00	1,400.00	264.00
1,400.00	1,500.00	280.00
1,500.00	1,600.00	296.00
1,600.00	1,700.00	312.00
1,700.00	1,800.00	328.00
1,800.00	1,900.00	344.00
1,900.00	2,000.00	360.00
2,000.00	2,100.00	376.00
2,100.00	2,200.00	392.00
2,200.00	2,300.00	408.00
2,300.00	2,400.00	424.00
2,400.00	2,500.00	440.00
2,500.00	2,600.00	456.00
2,600.00	2,700.00	472.00
2,700.00	2,800.00	488.00
2,800.00	2,900.00	504.00
2,900.00	3,000.00	520.00
3,000.00	3,100.00	536.00
3,100.00	3,200.00	552.00
3,200.00	3,300.00	568.00
3,300.00	3,400.00	584.00
3,400.00	3,500.00	600.00
3,500.00	3,600.00	616.00
3,600.00	3,700.00	632.00
3,700.00	3,800.00	648.00
3,800.00	3,900.00	664.00

1	2	3
3,900.00	4,000.00	680.00
4,000.00	4,100.00	696.00
4,100.00	4,200.00	712.00
4,200.00	4,300.00	728.00
4,300.00	4,400.00	744.00
4,400.00	4,500.00	760.00
4,500.00	4,600.00	776.00
4,600.00	4,700.00	792.00
4,700.00	4,800.00	808.00
4,800.00	4,900.00	824.00
4,900.00	5,000.00	840.00
5,000.00	5,250.00	872.00
5,250.00	5,500.00	904.00
5,500.00	5,750.00	936.00
5,750.00	6,000.00	968.00
6,000.00	6,250.00	1,000.00
6,250.00	6,500.00	1,032.00
6,500.00	6,750.00	1,064.00
6,750.00	7,000.00	1,096.00
7,000.00	7,250.00	1,128.00
7,250.00	7,500.00	1,160.00
7,500.00	7,750.00	1,192.00
7,750.00	8,000.00	1,224.00
8,000.00	8,250.00	1,256.00
8,250.00	8,500.00	1,288.00
8,500.00	8,750.00	1,320.00
8,750.00	9,000.00	1,352.00
9,000.00	9,250.00	1,384.00
9,250.00	9,500.00	1,416.00
9,500.00	9,750.00	1,448.00
9,750.00	10,000.00	1,480.00
10,000.00	10,500.00	1,528.00
10,500.00	11,000.00	1,576.00
11,000.00	11,500.00	1,624.00
11,500.00	12,000.00	1,672.00
12,000.00	12,500.00	1,720.00

1	2	3
12,500.00	13,000.00	1,768.00
13,000.00	13,500.00	1,816.00
13,500.00	14,000.00	1,864.00
14,000.00	14,500.00	1,912.00
14,500.00	15,000.00	1,960.00
15,000.00	15,500.00	2,008.00
15,500.00	16,000.00	2,056.00
16,000.00	16,500.00	2,104.00
16,500.00	17,000.00	2,152.00
17,000.00	17,500.00	2,200.00
17,500.00	18,000.00	2,248.00
18,000.00	18,500.00	2,296.00
18,500.00	19,000.00	2,344.00
19,000.00	19,500.00	2,392.00
19,500.00	20,000.00	2,440.00
20,000.00	21,000.00	2,504.00
21,000.00	22,000.00	2,568.00
22,000.00	23,000.00	2,632.00
23,000.00	24,000.00	2,696.00
24,000.00	25,000.00	2,760.00
25,000.00	26,000.00	2,824.00
26,000.00	27,000.00	2,888.00
27,000.00	28,000.00	2,952.00
28,000.00	29,000.00	3,016.00
29,000.00	30,000.00	3,080.00
30,000.00	32,000.00	3,144.00
32,000.00	34,000.00	3,208.00
34,000.00	36,000.00	3,272.00
36,000.00	38,000.00	3,336.00
38,000.00	40,000.00	3,400.00
40,000.00	42,000.00	3,464.00
42,000.00	44,000.00	3,528.00
44,000.00	46,000.00	3,592.00
46,000.00	48,000.00	3,656.00
48,000.00	50,000.00	3,720.00
50,000.00	55,000.00	3,800.00

1	2	3
55,000.00	60,000.00	3,880.00
60,000.00	65,000.00	3,960.00
65,000.00	70,000.00	4,040.00
70,000.00	75,000.00	4,120.00
75,000.00	80,000.00	4,200.00
80,000.00	85,000.00	4,280.00
85,000.00	90,000.00	4,360.00
90,000.00	95,000.00	4,440.00
95,000.00	1,00,000.00	4,520.00
1,00,000.00	1,05,000.00	4,600.00
1,05,000.00	1,10,000.00	4,680.00
1,10,000.00	1,15,000.00	4,760.00
1,15,000.00	1,20,000.00	4,840.00
1,20,000.00	1,25,000.00	4,920.00
1,25,000.00	1,30,000.00	5,000.00
1,30,000.00	1,35,000.00	5,080.00
1,35,000.00	1,40,000.00	5,160.00
1,40,000.00	1,45,000.00	5,240.00
1,45,000.00	1,50,000.00	5,320.00
1,50,000.00	1,55,000.00	5,400.00
1,55,000.00	1,60,000.00	5,480.00
1,60,000.00	1,65,000.00	5,560.00
1,65,000.00	1,70,000.00	5,640.00
1,70,000.00	1,75,000.00	5,720.00
1,75,000.00	1,80,000.00	5,800.00
1,80,000.00	1,85,000.00	5,880.00
1,85,000.00	1,90,000.00	5,960.00
1,90,000.00	1,95,000.00	6,040.00
1,95,000.00	2,00,000.00	6,120.00
2,00,000.00	2,05,000.00	6,200.00
20,00,000.00	20,05,000.00	35,002.00
21,00,000.00	21,05,000.00	36,602.00
22,00,000.00	22,05,000.00	38,202.00
23,00,000.00	23,05,000.00	39,802.00

And the fee increases at the rate of Rs. 80 (eighty) only for every 5000 (Five thousand) rupees or part thereof subject to a maximum of 50,000 rupees for examples.

When the amount or value of subject matter exceeds.	But does not exceed.	Proper fee.
1	2	3
Rs.	Rs.	Rs.
24,00,000.00	24,05,000.00	41,402.00
25,00,000.00	25,05,000.00	43,002.00
26,00,000.00	26,05,000.00	44,602.00
27,00,000.00	27,05,000.00	46,202.00
28,00,000.00	28,05,000.00	47,802.00
29,00,000.00	29,05,000.00	49,402.00
29,35,000.00	29,40,000.00	49,962.00

And for all amounts and value exceeding Rs. 29,40,000 the court fee is Rs. 50,000.00

#### SCHEDULE II FIXED FEES

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 with the Government and when the subject matter or such application relates exclusively to these dealings, or	Rs. 2.00
	(b) When presented to any officer of land revenue by the 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	Rs. 2.00
	When presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place,	Rs. 2.00

If the application or petition relates 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 constituted under Act No. XI of 1865 or under Act no XVI of 1868, section 20 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 translation of any judgement, decrees 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 officer may, under the Criminal Procedure Code, arrest without warrant and presented to any Criminal Court, or

When presented to a Civil, Criminal or Revenue Court, or to a Collector or any revenue officer having jurisdiction equal or subordinate in a Collector, or to any Magistrate in his

Rs. 2.00

Rs. 2.00

Rs. 5.00

Rs. 5.00



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) Which presented to a Chief Commissioner or other Chief Controlling Revenue or Executive Authority or to a Commissioner or Revenue or Circuit, or to any Chief Officer charged with the executive administration of a Division and not otherwise provided for by this Act.

(d) When presented to a High Court—

(i) Under Article 226 of the Constitution

(ii) Under Article 227 of the Constitution

(iii) Under Articles 226 & 227 of the Constitution jointly

(iv) Miscellaneous petitions

(v) Civil Revision u/s 115 C.P.C. or Criminal Revision u/s 397 read with section 401 Cr. P.C.

(vi) Other petitions ]

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.

Rs. 5.00

Rs. 10.00

250.00

250.00

500.00

20.00

100.00

15.00

Rs. 5.00

3. Application for leave to sue as a pauper.

Rs. 2.00

4. Application for leave to appeal as a pauper.

(a) When presented to District Court

Rs. 2.00

(b) When presented to Commissioner or a High Court.

Rs. 5.00

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

Rs. 5.00

6. Bail Bond or other instruments of obligation given in pursuance of any order made by a court of Magistrate under any section of the Code of Criminal Procedure, 1973 or the Code of Civil Procedure, 1908 and not otherwise provided for by this Act.

Rs. 5.00

7. Undertaking under section 89 of the Indian Divorce Act, 1869 (4 of 1869)

Rs. 5.00

8. Mukhtarnama or Vakalatnama.

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

Rs. 5.00

**Note.—** Every Vakalatnama must be stamped with Advocate Welfare stamp of Rs. 2.50 under Section 23 of Bihar State Advocates Welfare Fund Act, 1983

(b) to a Commissioner of Revenue Circuit or Customs or to any Officer charge with the Executive administration of a Division, not being the Chief Revenue or Executive Authority.

(c) to a High Court, Commissioner, Board of Revenue, or other Chief Controlling revenue or Executive Authority.

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 a High Court, or to any Revenue Court, or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority.

(b) to a High Court or Chief Commissioner or other Chief Controlling Executive or Revenue Authority.

10. Caveat

11. Application under Act No. X of 1859 section 26 of Bengal Act No. VI of 1892 Section 9, of Bengal Act No. VII of 1869 Section 37.

12. Petition in a suit under the Native Converts, Marriage Dissolution Act, 1866 (XX of 1866)

13. Plaint or Memorandum of Appeal in each of the following suits.

[ Sch. II

Rs. 10.00

Rs. 15.00

Rs. 5.00

Rs. 15.00

Rs. 30.00

Rs. 15.00

Rs. 40.00

Rs. 250.00

Sch. III ]

The Court Fees (Bihar Amdt.) Act, 1995

[ 49

- (i) to alter or set aside a summary decision or order of any of the Civil courts but not established by Letters Patent or of any Revenue Court.
- (ii) to alter or cancel any entry in a register of the names of 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.
14. Application under section 72 of the Code of Civil Procedure, 1908. Rs. 100.00
15. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908. Rs. 200.00
16. Every petition under the Indian Divorce Act, 1869 (4 of 1869) except petitions under section 44 of the same Act, and every memorandum of Appeal under section 55 of the same Act. Rs. 125.00
17. Plaint or Memorandum of Appeal under the Parsi Marriage and Divorce Act, 1865. Rs. 125.00

#### Comments & Case-law

[Where one order is challenged by many petitioners and their interest is common, it is not necessary for all the petitioners to pay separate court fee, *Smt. Krishna Pati Devi & others vs. State of Bihar* 1998 (2) PLJR 765.

(Schedule II-Item 13) The right of appeal is a substantive and vested right which cannot be subjected to any restriction except by a legislation having retrospective effect. The point at issue is whether requirement of paying court fee is a restriction on each right. The court held that the matrimonial case giving rise to the appeal in the present case having been filed prior to the coming into force of the Court Fees (Bihar Amendment) Act, 1995 which was not given retrospective effect, the petitioner cannot be compelled to pay court fee more than what was payable on the date of filing of the matrimonial case. The decision of the Taxing Officer, therefore, does not appear to be in accordance with law. However, the court held that this court is not competent to interfere with the same under Rule 19 of Chapter VII of the Patna High Court. The Registrar of High Court has been appointed as Taxing Officer. His decision as Taxing Officer is final by virtue of the provisions of section 5 of the Act, but what is significant for the purposes of the present case is not the finality of the decision but the fact that the decision is to be regarded as a decision of the court itself. And under Art 227 of the Constitution of India the High Court cannot set aside its own decision. *Lipika Gupta vs. The State of Bihar & Ors.* (2000 (3) PLJR 600 (See also: AIR 1957 SC 540, AIR 1960 SC 980))

### SCHEDULE III

[See section 19-1]

Form of Valuation (to be used with such modifications, if any, as may be necessary)

In the Court of

Re Probate of the will of  
Property and credits of

(or administration of the)  
deceased.

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 truly set forth in Annexure A to this affidavit all the property and credits of which the above named deceased died possessed or was entitled to at the time of his death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B all the items I am by law allowed to deduct.