

REGISTERED No. P-390.



The Orissa Gazette

PUBLISHED BY AUTHORITY.

No. 5. CUTTACK, FRIDAY, SEPTEMBER 1, 1939.



Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART XI.

Bills introduced into the Legislative Assembly of Orissa, Reports of Select Committees presented or to be presented to that Assembly and Bills published before introduction in that Assembly.

LAW, COMMERCE AND LABOUR DEPARTMENTS.

NOTIFICATION.

The 26th August 1939.

No. 6128-L.A.—The following report of the Select Committee on the Orissa Court Fees (Amendment) Bill, 1939, together with the Bill, as amended by that Committee, is hereby published for general information.

**Report of the Select Committee on the Orissa Court Fees
(Amendment) Bill, 1939.**

We, the undersigned members of the Select Committee, to which the Orissa Court Fees (Amendment) Bill, 1939, was referred, have the honour to submit, this our report with a copy of the Bill, as amended by us, annexed.

The meetings of the Select Committee were first held on the 16th and 17th June 1939, at Puri. The Committee decided to receive written memoranda and oral evidence of the Bar Associations of the province on the provisions of the Bill, and to call for information as to the number of purely declaratory suits filed in the courts of South Orissa ever since 1st April 1936, ranging in value from Rs. 2,000 to Rs. 4,000. Necessary action was taken to secure such evidence and information. Written memoranda were received from the High Court Bar Association, Cuttack; the Cuttack Bar Association; the Ganjam Bar Association, Berhampur, and the Bar Association, Aska. The Committee met again on the 27th July 1939 at Cuttack. Rai Bahadur Chintamani Acharjya, M.A., B.L., Advocate and Secretary, High Court Bar Association and Mr. M. Subba Rao, Advocate, Cuttack, appeared to give oral evidence on behalf of the High Court Bar Association. They gave their evidence jointly and it was recorded. No representative of any other Bar Association appeared to offer oral evidence. The Committee then considered the written memoranda and the evidence received by it and also the figures as to declaratory suits in South Orissa, which it had called for and began the examination of the provisions of the Bill, clause by clause. The Committee met again on the 12th August at Cuttack. Further figures obtained in respect of declaratory suits in certain other courts of South Orissa were also considered by the Committee. The Committee completed examination of the clauses of the Bill. The Committee approved the Bill, subject to the alterations made in it, which are set out in the sub-joined notes with the reasons therefor.

New clause 4.—Section 6 of the Act provides, among other matters, that no document of the kind chargeable under the Act shall be furnished by a public officer unless the proper fee for such document has been paid. The Committee considered that such fee should be levied only when the documents are filed,

exhibited or recorded, etc. and not when they are merely furnished and that the Government should be empowered to make a direction to that effect by a notification. A new clause has, therefore, been inserted, adding a sub-section to the existing section 6 of the Act, to give effect to this decision of the Committee. It is numbered as clause 4 and the existing clauses 4 to 31 have been re-numbered as clauses 5 to 32.

Clause 5 (as re-numbered).—The suits excepted must be “suits for relief under section 14 of the Religious Endowments Act, 1863” and not “suits for relief under sections 33, 39, 41, 47 and 64 of the Orissa Hindu Religious Endowments Act, 1939” as stated in this clause. The clause has accordingly been suitably amended.

Clause 8 (as re-numbered).—The decisions of courts have laid down that in a case where a suit has to be framed for the cancellation of the entire decree or other document but the substantial relief claimed is only in respect of part of the amount of money or other property covered by it, it is sufficient to pay court-fee on the value of such part of the amount or the value of the property. To make this position clear, an explanation has, therefore, been inserted in the new paragraph IV-A proposed in this clause. Opportunity has also been taken to number the new paragraph as “IV-A” instead of “iv (a)” to differentiate it from the existing paragraph similarly numbered in section 7 of the Act.

Clause 9 (as re-numbered).—The Committee considered that all clauses of paragraph V of section 7 of the principal Act should be retained subject to changes as to the rates of valuation contained therein. As regards the rates, the Committee considered it proper to adopt those now in force in North and South Orissa under the Bihar and Orissa Court Fees (Amendment) Act, 1922 and the Madras Court Fees (Amendment) Act, 1922. The clause has been redrafted accordingly. The Committee were, however, in favour of accepting the proviso and the explanation in the new paragraph V of section 7 of the principal Act. The result is that the Committee have restored paragraph V to section 7 of the principal Act together with the proviso and explanation in the newly proposed paragraphs and with the rates of valuation as in the Bihar and Orissa and Madras Amendment Acts of 1922.

Clause 10 (as re-numbered).—The Committee considered it essential to make it clear that the newly proposed paragraph VI-A will apply if the plaintiff alleges that he has been excluded

from possession and that the "possession" therein includes "constructive possession" also. The clause has been amended to cover such cases. The numbering of the paragraph has been altered to VI-A to avoid confusion.

Clause 13 (as re-numbered).—Paragraph *ii* of section 12 of the principal Act enables a Court of Appeal, reference or revision to take action only if it is considered that the question as to valuation has been wrongly decided to the detriment of the revenue. The Committee were of the view that Court of Appeal, reference or revision should have power to intervene in all cases of wrongful decision as to valuation and not merely when the question has been wrongly decided to the detriment of the revenue. To give effect to this view, it is necessary to provide for refunds of excess fee wrongfully levied from a party. Further, under the clause, as it stands, if the party required to pay the additional fee is the respondent or the opposite party and such party does not pay the amount within the time fixed by the Court, it is open to the court to recover the amount of the fee from him as an arrear of land revenue. The Committee considered that, in any case where it was proper that the respondent or the opposite party should recover the amount from the appellant or the petitioner as the case may be, the court should have power to provide for such payment in the order as to costs in the said appeal or petition. Paragraph *ii* of section 12 of the principal Act has been suitably amended to give effect to these decisions of the Committee.

Clause 17 (as re-numbered).—The Committee considered that, in the case of suits and appeals covered by the new article 3A, the court-fee fixed in the clause should be modified to the extent that the fee of Rs. 15 should apply when the jurisdiction—value does not exceed Rs. 3,000 and that the court-fee of Rs. 50 should apply when the jurisdiction—value exceeded Rs. 3,000 but did not exceed Rs. 4,000. The necessary changes have been made in the clause.

Clause 19 (as re-numbered).—The Committee thought it desirable that the fees for copies and decrees of the orders of the High Court should be Rs. 3 up to Rs. 1,000 and Rs. 6 thereafter. The necessary amendment has been made in the clause.

Clause 22 (as re-numbered).—The Committee considered that criminal appeals should be charged with the same court-fee as complaints. The clause has been suitably amended to give effect to this decision.

Clause 23 (as re-numbered).—The Committee considered it unnecessary to make any paper signed by an Advocate signifying or intimating that he is retained for a party chargeable with any fee. Sub-clause (a) of this clause has accordingly been omitted and the consequential change made by deleting the numbering “(b)” from the second sub-clause.

Clause 28 (as re-numbered).—The Committee considered that suits for relief under the Religious Endowments Act and under sections 91 and 92 Civil Procedure Code should be charged with a fixed fee of Rs. 15. Necessary amendments have accordingly been made in this clause.

The Bill was published in the *Orissa Gazette*, dated 23rd March 1939 and we do not consider its republication necessary.

We recommend that the Bill, as amended by us, be passed.

JAGABANDHU SINHA
HARIPANI JENNAH
BODHRAM DUBE
*CHARUCHANDRA RAY
MD. LATIFUR RAHMAN
BICHITRANANDA DAS.
BRAJASUNDAR DAS
MANDHATA GORACHAND PATNAIK

*Subject to note of dissent annexed.

Note of dissent by Sri Charu Chandra Ray, M.L.A.

In clause 16 (of the amended Bill) paragraph 3 runs as follows:—

“When such amount or value exceeds one hundred rupees for every ten rupees or part thereof in excess of one hundred rupees up to *five hundred* rupees.”

My view is that “one thousand” should be substituted for “five hundred” and paragraph 4 should be deleted.

With the rest of the report I am in agreement.

**THE ORISSA COURT FEES (AMEND-
MENT) BILL, 1939.**

(As amended by the Select Committee.)

NOTE.—Matter omitted is shown in italics within square brackets. New matter is underlined.

**A
BILL**

TO AMEND THE LAW RELATING TO COURT
FEES IN ITS APPLICATION TO THE
PROVINCE OF ORISSA.

WHEREAS it is expedient to amend
the law relating to Court Fees in
its application to the Province of Orissa;

It is hereby enacted as follows:—

Short title and
commencement.

1. (i) This Act may be called the Orissa
Court Fees (Amendment) Act, 1939.

(ii) It extends to the whole of Orissa.

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

Repeal of
enactments.

2. The Acts mentioned in Schedule A
to this Act, so far as they apply to the
whole or any part of the Province of
Orissa, are hereby repealed to the extent
specified in the third column of that
Schedule.

Amendment of
section 2 of Act VII
of 1870.

3. For section 2 of the Court Fees
Act, 1870, hereinafter called the principal
Act, the following section shall be
substituted:—

Definitions.

“2. In this Act, unless there is
anything repugnant in the subject or
context,—

(1) ‘appeal’ includes a cross objec-
tion;

(2) ‘suit’ includes an appeal from
a decree except in section 8A.

Amendment of
section 6.

4 Section 6 of the principal Act shall be re-numbered as sub-section (1) of section 6 and, after the said sub-section, the following sub-section shall be inserted:—

“(2) Notwithstanding anything contained in sub-section (1), the Provincial Government may, by notification, direct that a copy of a document, specified as chargeable in the first and second schedules to this Act annexed, shall be furnished by a public officer without payment of the fee indicated by either of the said schedules as the proper fee for such copy and the copy so furnished shall be chargeable with the requisite fee only when it is filed, exhibited or recorded in any court of justice or received by a public officer as mentioned in sub-section (1).”

Amendment of
section 7.

5. [4.] In section 7 of the principal Act, for the words “in the suits next hereinafter mentioned” the words “in the suits next hereinafter mentioned except suits for relief under [sections 33, 39, 41, 47 or 54 of the Orissa Hindu Religious Endowments Act, 1939] section 14 of the Religious Endowments Act, 1863, or under section 91 or section 92 of the Code of Civil Procedure, 1908”, shall be substituted.

Amendment of
section 7(ii).

6. [5.] In section 7(ii) of the principal Act, after the words “shall be deemed to be” the words “in suits for maintenance five times and in other suits” shall be inserted.

Omission of
clause (b) of
section 7(iv).

Insertion of new
paragraph iv(a) in
section 7.

7. [6.] Clause (b) of section 7(iv) of the principal Act shall be omitted.

8. [7.] In section 7 of the principal Act, after paragraph iv the following paragraph shall be inserted:—

“[iv(a)] IV-A In a suit for cancellation of a decree for money or other property having a money-value, or other document securing money or other property having such value,

according to the value of the subject-matter of the suit, and such value shall be deemed to be—

if the whole decree or other document is sought to be cancelled, the amount or the value of the property for which the decree was passed or the other document executed,

if a part of the decree or other document is sought to be cancelled, such part of the amount or value of the property”.

Explanation.—“In any case where a suit for the cancellation of a whole decree for money or other property having a money value, or other document securing money or other property having such value has to be instituted, but the substantial relief claimed is only in respect of a part of the amount or the value of the property for which the decree was passed or the other document was executed, the value of the subject-matter of the suit shall be deemed to be such part of the amount or value of the property in respect of which the relief is sought.”

[Amendment of paragraph v of section 7.] *[8. For paragraph v of section 7 of the principal Act the following paragraph shall be substituted:—*

“(v) In suits for possession of land, buildings or gardens—

- (a) according to the value of the subject-matter, and such value shall be deemed to be fifteen times the nett profits which have arisen from the land, building or garden during the year next before the date of presenting the plaint;*
- (b) if, in the opinion of the Court, such profits are not readily ascertainable or assessable, or such method of valuation is not suitable, or where there are no such profits according to the market-value of the land, building or garden:*

Provided that in suits for possession of land if rules are framed under section 3 of the Suits Valuation Act, 1887, for determining the value of land for the purposes of jurisdiction, the value so determined shall be deemed to be the value of the land for the purposes of this paragraph.

Explanation.—In this paragraph building includes a house, out-house, stable, privy, urinal, shed, hut, wall and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever.”]

Amendment of Paragraph V of section 7.

9. In paragraph V of section 7 of the principal Act,

- (1) in clause (a), for the word “ten” the word “twenty” shall be substituted;

(2) in clause (b), for the word "five"
the word "ten" shall be sub-
stituted ;

(3) the following proviso shall be
inserted after the existing
proviso :—

"Provided further that in suits for
possession of land if rules are framed
under section 3 of the Suits Valuation
Act, 1887, for determining the value for
the purposes of jurisdiction, the value so
determined shall be deemed to be the
value of the land for the purposes of
this paragraph ; and

(4) the existing Explanation shall
be re-numbered as Explanation
I, and, after the explanation
so re-numbered, the following
Explanation shall be added,
namely :—

"Explanation II.—In this paragraph,
'building' includes a house, out-house,
stable, privy, urinal, shed, hut, wall, and
any other such structure, whether of
masonry, bricks, wood, mud, metal or
any other material whatsoever."

Insertion of new
 paragraph vi A in
 section 7.

10[9]. In section 7 of the principal Act,
after paragraph vi the following paragraph
shall be inserted :—

"[vi-a] VIA In suits for partition and
separate possession of a share of joint
family property or of joint property, or to
enforce a right to a share in any property
on the ground that it is joint family
property or joint property—

if the plaintiff alleges that he
has been excluded from possession
of the property of which he

claims to be a coparcener or co-owner—according to the market-value of the share in respect of which the suit is instituted.”

“Explanation.—The word “possession” for the purposes of this paragraph includes constructive possession.”

Insertion of new section 8A.

11. [10.] After section 8 of the principal Act, the following section shall be inserted :—

Statement of particulars of subject-matters of suits and plaintiff's valuation thereof.

“8A. In every suit in which an *ad valorem* court-fee is payable under this Act on the plaint, the plaintiff shall file with the plaint a statement of particulars of the subject-matter of the suit and his own valuation thereof unless such particulars and the valuation are contained in the plaint. The statement shall be in such form and shall contain such particulars as may be prescribed by the Provincial Government by notification in the Gazette. In every such suit the plaintiff shall also, if the Court so directs, file a duplicate copy of the plaint and of the said statement”.

Amendment of section 11.

12. [11.] For the second paragraph of section 11 of the principal Act the following paragraphs shall be substituted :—

“Where a decree directs an enquiry as to mesne-profits which have accrued on the property during a period prior to the institution of the suit, if the profits ascertained on such inquiry exceed the profits claimed, no final decree shall be passed till the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid. If the additional fee is not paid within such time as the Court shall fix,

the claim for the excess shall be dismissed, unless the Court, for sufficient cause, extends the time for payment.

Where a decree directs an inquiry as to mesne-profits from the institution of the suit and a final decree is passed in accordance with the result of such inquiry the decree shall not be executed until such fee is paid as would have been payable on the amount claimed in execution if a separate suit had been instituted therefor."

[Amendment of
section 12.]

[12. In paragraph ii of section 12 of the principal Act, for the words and figures "and the provisions of section 10, paragraph ii shall apply" the following shall be substituted:—

"and thereafter—

- (a) if the party required to pay is the appellant or petitioner, the appeal or petition shall be stayed until the additional fee is paid. If the additional fee is not paid within such time as the Court shall fix, the appeal or petition shall be dismissed;
- (b) if the party required to pay is the respondent or the opposite party, the Court shall fix a date before which such party shall pay the amount of court-fee due from him and if such party fails to pay the fee required before the date fixed by the Court, the Court shall recover the amount of such fee from him as if it were an arrear of land revenue.

Explanation.—For the purposes of this section a question relating to the classification of any suit for the purpose of section 7 shall not be deemed to be a question relating to valuation."]

Amendment of
section 12.

13. (1) In section 12 of the Principal Act, for paragraph *ii*, the following paragraph shall be substituted :—

“ *ii* But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided, it shall—

(a) in any case in which the decision is to the detriment of revenue, require the party by whom such fee has been paid, to pay so much additional fee as would have been payable had the question been rightly decided and thereafter—

(i) if the party required to pay is the appellant or petitioner, the appeal or petition shall be stayed until the additional fee is paid. If the additional fee is not paid within such time as the Court shall fix, the appeal or petition shall be dismissed ;

(ii) if the party required to pay is the respondent or the opposite party, the Court shall fix a date before which such party shall pay the amount of court fee due from him and, if such party fails to pay the fee required before the date fixed by the Court, the Court shall recover the amount of such fee from him as if it were an arrear of land revenue. Where the Court considers

that the amount of such fee should be paid to the respondent or the opposite party by the appellant or the Petitioner, as the case may be, the Court may provide for such payment in the order as to costs in the said appeal or petition ; and

(b) in any case in which the decision is that any excess fee has been levied, direct the refund of so much excess fee to the party who paid it as would not have been payable had the question been rightly decided.

Explanation.—For the purposes of this section a question relating to the classification of any suit in regard to section 7 shall not be deemed to be a question relating to valuation."

Amendment of
section 18.

14. [13.] In section 18 of the principal Act, for the words "eight annas" the words "one rupee" shall be substituted.

Amendment of
section 35.

15. [14.] For section 35 of the principal Act, the following section shall be substituted :—

Power to suspend,
reduce or remit
fees.

"35. (1) The Provincial Government may from time to time subject to such conditions or restrictions as it may think fit to impose, by notification in the Gazette suspend the payment of or reduce or remit, in the whole of Orissa or in any part thereof, all or any of the fees mentioned in the First and Second Schedules to this Act annexed and may in like manner cancel or vary such order.

(2) The Provincial Government may from time to time by rules prescribe the manner in which any fee the payment of

which is suspended under sub-section (1) may be realised and for this purpose direct that such fee may be recovered as if it were an arrear of land revenue."

Amendment of
Article 1 of the
First Schedule.

16. [15.] For Article 1 of the First Schedule of the principal Act the following Article shall be substituted :—

" Number.	Proper fee.
(1) Complaint, written statement pleading a set off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) presented to any Civil or Revenue Court except those mentioned in section 3.	When the amount or value of the subject matter in dispute does not exceed five rupees. Six annas.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees. Six annas.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to five hundred rupees. One rupee.
	When such amount or value exceeds five hundred rupees, for every ten rupees, or part thereof, in excess of five hundred rupees, up to one thousand rupees. One rupee two annas.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to seven thousand five hundred rupees. Seven rupees.
	When such amount or value exceeds seven thousand five hundred rupees, for every two hundred and fifty rupees, or part thereof, in excess of seven thousand five hundred rupees, up to ten thousand rupees. Fifteen rupees.

When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees. Twenty-two rupees eight annas.

When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees. Thirty rupees.

When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees. Thirty rupees.

When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees. Thirty-seven rupees eight annas."

Insertion of new Articles 3 and 3A in the First Schedule. 17. [16.] In the first Schedule after Article 2, the following Articles shall be inserted :—

"3. Plaint, or written statement pleading a set-off or counter-claim in any suit of the nature cognisable by a Court of Small Causes when the amount or value of the subject-matter does not exceed Rs. 500. When the amount or value of the subject-matter in dispute does not exceed five rupees. Six annas.

When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees. Six annas.

When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to five hundred rupees. Twelve annas.

3A. Plaintiff or memorandum of appeal in each of the following suits:—	When the value for purposes of jurisdiction does not exceed [two] three thousand rupees.	Fifteen rupees.
(i) to obtain a declaratory decree where no consequential relief is prayed;	When such value exceeds [two] three thousand rupees but does not exceed four thousand rupees.	Fifty rupees.
(ii) to set aside an award;	When such value exceeds four thousand rupees, for every two thousand rupees, or part thereof, in excess of four thousand rupees, upto ten thousand rupees.	Fifty rupees.
(iii) to obtain a declaration that an alleged adoption is invalid or never in fact took place or to obtain a declaration that an adoption is valid.	When such value exceeds ten thousand rupees, for every ten thousand rupees, or part thereof, in excess of ten thousand rupees, up to fifty thousand rupees.	Fifty rupees.
	When such value exceeds fifty thousand rupees, for every fifty thousand rupees, or part thereof, in excess of fifty thousand rupees.	One hundred rupees.

Amendment of
Article 6 of the
First Schedule.

18. [17.] In the third column of Article 6 of the First Schedule—

- (a) for the words “four annas” the words “six annas” shall be substituted;
- (b) for the words “eight annas” the words “twelve annas” shall be substituted;
- (c) for the words “one rupee” the words “one rupee eight annas” shall be substituted.

Amendment of
Article 7 of the
First Schedule.

19. [18.] For Article 7 of the First Schedule the following Article shall be substituted:—

“Copy of decree or order having the force of a decree. When such decree or order is made by a Munsif’s Court or a Court of Small Causes, or a Revenue Court—

- (a) if the amount or value of the subject-matter of the suit wherein such decree or order is made does not exceed one hundred rupees; Eight annas.

(b) if such amount or value exceeds one hundred rupees but does not exceed one thousand rupees;

(c) if such amount or value exceeds one thousand rupees. One rupee eight annas.

When such decree or order is made by the Court of a District Judge or of a Subordinate Judge. T h r e e rupees.

When such decree or order is made by a High Court. [Six rupees.]

Three rupees, if the amount or value of the subject matter of the suit wherein such decree or order is made does not exceed one thousand rupees; six rupees, if such amount or value exceeds one thousand rupees.

20. [19.] In the third column of Article 9 of the First Schedule, for the words "eight annas" the words "twelve annas" shall be substituted.

Amendment of table of rates and insertion of new table in First Schedule.

21. [20.] For the table of rates of *ad valorem* fees annexed to Schedule I of the principal Act, the tables set forth in Schedule B to this Act shall be substituted.

Amendment of Article I of the Second Schedule.

22. [21.] In Article I of the Second Schedule of the principal Act,—

(a) in the third column opposite clause (a), for the words "one anna" the words "two annas" shall be substituted;

(b) in the third column opposite clause (b), for the words "eight annas" the words "in the case of a criminal complaint and appeal one rupee and in other cases twelve annas" shall be substituted;

(c) in the third column opposite clause (c) for the words "one rupee" the words "one rupee eight annas" shall be substituted;

(d) in the second and third columns, for clause (d) and the words opposite the said clause the following shall be substituted:—

"(d) (i) When presented to a High Court under section 115 of the Code of Civil Procedure, 1908, for revision of an order,—

(a) when the value of Five rupees. the suit or proceedings to which the order relates does not exceed one thousand rupees;

(b) when the value of Ten rupees. the suit or proceeding exceeds one thousand rupees.

(ii) when presented to Two rupees." a High court otherwise than under that section.

Amendment of Article 1A of the Second Schedule.

23. [22.] In the third column of Article 1A of the Second Schedule, for the words "twelve annas" the words "one rupee" shall be substituted.

Amendment of Article 10 of the Second Schedule.

24. [23.] In Article 10 of the Second Schedule,—

[(a) *in the first column, after the word "vakalatnama", the words "or any paper signed by an advocate signifying or intimating that he is retained for a party" shall be inserted;*]

[(b)] in the third column—

- (i) for the words “eight annas” the words “one rupee” shall be substituted;
- (ii) for the words “one rupee” the words “two rupees” shall be substituted;
- (iii) for the words “two rupees” the words “three rupees” shall be substituted.

Amendment of
Article 11 of the
Second Schedule.

25. [24.] In Article 11 of the Second Schedule,—

- (a) for the entry in the first column, the following entry shall be substituted:—

“Memorandum of appeal when the appeal is from an order inclusive of an order determining any question under section 47 or section 144 of the Code of Civil Procedure and is presented”.

(b) in the third column—

- (i) for the words “eight annas” the words “one rupee” shall be substituted;
- (ii) for the words “two rupees” the words “four rupees” shall be substituted.

Amendment of
Article 12 of the
Second Schedule.

26. [25.] In the third column in Article 12 of the Second Schedule, for the words “five rupees” the words “ten rupees” shall be substituted.

Amendment of
Article 14 of the
Second Schedule.

27. [26.] In the third column in Article 14 of the Second Schedule, for the words “five rupees” the words “ten rupees” shall be substituted.

Amendment of
Article 17 and
insertion of new
Article 17A in
the Second
Schedule.

28. [27.] For Article 17 of the Second Schedule the following two Articles shall be substituted:—

" 17. Plaint or memorandum of appeal in a suit,—

(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court;

Fifteen
rupees.

(ii) to alter or cancel any entry in a register of the names of the proprietors of revenue-paying estates;

Fifteen
rupees.

(iii) for relief under [section 33, 39, 41, 47 or 54 of the Orissa Hindu Religious Endowments Act, 1939,] section 14 of the Religious Endowment Act, 1863, or under section 91 or section 92 of the Code of Civil Procedure, 1908.

[Fifteen]
Fifteen
rupees.

17A. Plaint or memorandum of appeal in every 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.

When the plaint is presented to, or the memorandum of appeal is against the decree of—

(a) a Revenue court in the district of Ganjam or Koraput;

Ten rupees.

(b) any other Revenue court, or any court of a District Judge, Subordinate Judge or Munsif.

Fifteen
rupees if
the value
for pur-
poses of
jurisdic-
tion does
not exceed
four
thousand
rupees,
one hund-
red rupees
if such
value
exceeds
four
thousand
rupees.

Amendment of
Article 18 of the
Second Schedule.

29. [28.] In Article 18 of the Second Schedule—

(a) for the entry in the first column, the following entry shall be substituted:—

“Application under paragraph 17 or paragraph 20 of the Second Schedule to the Code of Civil Procedure, 1908”;

(b) in the third column for the words “ten rupees” the words “fifteen rupees” shall be substituted.

Amendment of
Article 19 of the
Second Schedule.

30. [29.] In the third column in Article 19 of the Second Schedule, for the words “ten rupees” the words “fifteen rupees” shall be substituted.

Amendment of
Article 20 of the
Second Schedule.

31. [30.] In the third column in Article 20 of the Second Schedule, for the words “twenty rupees” the words “thirty rupees” shall be substituted.

Amendment of
Article 21 of the
Second Schedule.

32. [31.] In the third column in Article 21 of the Second Schedule, for the words “twenty rupees” the words “thirty rupees” shall be substituted.

SCHEDULE A.

Province, year and number.	Title.	Extent of Repeal.
1	2	3
Bihar and Orissa Act I of 1922.	Bihar and Orissa Court Fees (Amendment) Act, 1922.	The whole Act, except sections 6, 9, 10 and 13.
Madras Act V of 1922.	Madras Court Fees (Amendment) Act, 1922.	The whole Act, except section 11 in respect of Articles 11 and 12 of Schedule I.
Central Provinces Act XVI of 1935.	Court Fees (Central Provinces Amendment) Act, 1935.	The whole Act, except section 4 (e).

SCHEDULE B.

(a) Table of rates of ad valorem fees leviable on plaints, etc., mentioned in Article 1 of Schedule I.

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
...	5	0 6 0
5	10	0 12 0
10	15	1 2 0
15	20	1 8 0
20	25	1 14 0
25	30	2 4 0
30	35	2 10 0
35	40	3 0 0
40	45	3 6 0
45	50	3 12 0
50	55	4 2 0
55	60	4 8 0
60	65	4 14 0
65	70	5 4 0
70	75	5 10 0
75	80	6 0 0
80	85	6 6 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
85	90	6 12 0
90	95	7 2 0
95	100	7 8 0
100	110	8 8 0
110	120	9 8 0
120	130	10 8 0
130	140	11 8 0
140	150	12 8 0
150	160	13 8 0
160	170	14 8 0
170	180	15 8 0
180	190	16 8 0
190	200	17 8 0
200	210	18 8 0
210	220	19 8 0
220	230	20 8 0
230	240	21 8 0
240	250	22 8 0
250	260	23 8 0
260	270	24 8 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
270	280	25 8 0
280	290	26 8 0
290	300	27 8 0
300	310	28 8 0
310	320	29 8 0
320	330	30 8 0
320	340	31 8 0
340	350	32 8 0
350	360	33 8 0
360	370	34 8 0
370	380	35 8 0
380	390	36 8 0
390	400	37 8 0
400	410	38 8 0
410	420	39 8 0
420	430	40 8 0
430	440	41 8 0
440	450	42 8 0
450	460	43 8 0
460	470	44 8 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
470	480	45 8 0
480	490	46 8 0
490	500	47 8 0
500	510	48 10 0
510	520	49 12 0
520	530	50 14 0
530	540	52 0 0
540	550	53 2 0
550	560	54 4 0
560	570	55 6 0
570	580	56 8 0
580	590	57 10 0
590	600	58 12 0
600	610	59 14 0
610	620	61 0 0
620	630	62 2 0
630	640	63 4 0
640	650	64 6 0
650	660	65 8 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
660	670	66 10 0
670	680	67 12 0
680	690	68 14 0
690	700	70 0 0
700	710	71 2 0
710	720	72 4 0
720	730	73 6 0
730	740	74 8 0
740	750	75 10 0
750	760	76 12 0
760	770	77 14 0
770	780	79 0 0
780	790	80 2 0
790	800	81 4 0
800	810	82 6 0
810	820	83 8 0
820	830	84 10 0
830	840	85 12 0
840	850	86 14 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
850	860	88 0 0
850	870	89 2 0
870	880	90 4 0
880	890	91 6 0
890	900	92 8 0
900	910	93 10 0
910	920	94 12 0
920	930	95 14 0
930	940	97 0 0
940	950	98 2 0
950	960	99 4 0
960	970	100 6 0
970	980	101 8 0
980	990	102 10 0
990	1,000	103 12 0
1,000	1,100	111 4 0
1,100	1,200	118 12 0
1,200	1,300	126 4 0
1,300	1,400	133 12 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
1,400	1,500	141 4 0
1,500	1,600	148 12 0
1,600	1,700	156 4 0
1,700	1,800	163 12 0
1,800	1,900	171 4 0
1,900	2,000	178 12 0
2,000	2,100	186 4 0
2,100	2,200	193 12 0
2,200	2,300	201 4 0
2,300	2,400	208 12 0
2,400	2,500	216 4 0
2,500	2,600	223 12 0
2,600	2,700	231 4 0
2,700	2,800	238 12 0
2,800	2,900	246 4 0
2,900	3,000	253 12 0
3,000	3,100	261 4 0
3,100	3,200	268 12 0
3,200	3,300	276 4 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
3,300	3,400	283 12 0
3,400	3,500	291 4 0
3,500	3,600	298 12 0
3,600	3,700	306 4 0
3,700	3,800	313 12 0
3,800	3,900	321 4 0
3,900	4,000	328 12 0
4,000	4,100	336 4 0
4,100	4,200	343 12 0
4,200	4,300	351 4 0
4,300	4,400	358 12 0
4,400	4,500	366 4 0
4,500	4,600	373 12 0
4,600	4,700	381 4 0
4,700	4,800	388 12 0
4,800	4,900	396 4 0
4,900	5,000	403 12 0
5,000	5,100	411 4 0
5,100	5,200	418 12 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
5,200	5,300	426 4 0
5,300	5,400	433 12 0
5,400	5,500	441 4 0
5,500	5,600	448 12 0
5,600	5,700	456 4 0
5,700	5,800	463 12 0
5,800	5,900	471 4 0
5,900	6,000	478 12 0
6,000	6,100	486 4 0
6,100	6,200	493 12 0
6,200	6,300	501 4 0
6,300	6,400	508 12 0
6,400	6,500	516 4 0
6,500	6,600	523 12 0
6,600	6,700	531 4 0
6,700	6,800	538 12 0
6,800	6,900	546 4 0
6,900	7,000	553 12 0
7,000	7,100	561 4 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
7,100	7,200	568 12 0
7,200	7,300	576 4 0
7,300	7,400	583 12 0
7,400	7,500	591 4 0
7,500	7,750	606 4 0
7,700	8,000	621 4 0
8,000	8,250	636 4 0
8,250	8,500	651 4 0
8,500	8,750	666 4 0
8,750	9,000	681 4 0
9,000	9,250	696 4 0
9,250	9,500	711 4 0
9,500	9,750	726 4 0
9,750	10,000	741 4 0
10,000	10,500	763 12 0
10,500	11,000	786 4 0
11,000	11,500	808 12 0
11,500	12,000	831 4 0
12,000	12,500	853 12 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
12,500	13,000	876 4 0
13,000	13,500	898 12 0
13,500	14,000	921 4 0
14,000	14,500	943 12 0
14,500	15,000	966 4 0
15,000	15,500	988 12 0
15,500	16,000	1,011 4 0
16,000	16,500	1,033 12 0
16,500	17,000	1,056 4 0
17,000	17,500	1,078 12 0
17,500	18,000	1,101 4 0
18,000	18,500	1,123 12 0
18,500	19,000	1,146 4 0
19,000	19,500	1,168 12 0
19,500	20,000	1,191 4 0
20,000	21,000	1,221 4 0
21,000	22,000	1,251 4 0
22,000	23,000	1,281 4 0
23,000	24,000	1,311 4 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
24,000	25,000	1,341 4 0
25,000	26,000	1,371 4 0
26,000	27,000	1,401 4 0
27,000	28,000	1,431 4 0
28,000	29,000	1,461 4 0
29,000	30,000	1,491 4 0
30,000	32,000	1,521 4 0
32,000	34,000	1,551 4 0
34,000	36,000	1,581 4 0
36,000	38,000	1,611 4 0
38,000	40,000	1,641 4 0
40,000	42,000	1,671 4 0
42,000	44,000	1,701 4 0
44,000	46,000	1,731 4 0
46,000	48,000	1,761 4 0
48,000	50,000	1,791 4 0

When the amount or value exceeds Rs. 50,000 for every five thousand rupees or part thereof in excess of fifty thousand rupees—thirty-seven rupees eight annas.

(b) Table of rates of ad valorem fees leviable on plaints, etc., mentioned in Article 3 of Schedule I.

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
...	5	0 6 0
5	10	0 12 0
10	15	1 2 0
15	20	1 8 0
20	25	1 14 0
25	30	2 4 0
30	35	2 10 0
35	40	3 0 0
40	45	3 6 0
45	50	3 12 0
50	55	4 2 0
55	60	4 8 0
60	65	4 14 0
65	70	5 4 0
70	75	5 10 0
75	80	6 0 0
80	85	6 6 0
85	90	6 12 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs. 90	Rs. 95	Rs. a. p. 7 2 0
95	100	7 8 0
100	110	8 4 0
110	120	9 0 0
120	130	9 12 0
130	140	10 8 0
140	150	11 4 0
150	160	12 0 0
160	170	12 12 0
170	180	13 8 0
180	190	14 4 0
190	200	15 0 0
200	210	15 12 0
210	220	16 8 0
220	230	17 4 0
230	240	18 0 0
240	250	18 12 0
250	260	19 8 0
260	270	20 4 0
270	280	21 0 0
280	290	21 12 0

When the amount or value of the subject- matter exceeds	But does not exceed	Proper fee.
1	2	3
Rs.	Rs.	Rs. a. p.
290	300	22 8 0
300	310	23 4 0
310	320	24 0 0
320	330	24 12 0
330	340	25 8 0
340	350	26 4 0
350	360	27 0 0
360	370	27 12 0
370	380	28 8 0
380	390	29 4 0
390	400	30 0 0
400	410	30 12 0
410	420	31 8 0
420	430	32 4 0
430	440	33 0 0
440	450	33 12 0
450	460	34 8 0
460	470	35 4 0
470	480	36 0 0
480	490	36 12 0
490	500	37 8 0

C. G. NAIR.

Secretary to Government.