

Court-Fees (Bihar Amendment) Act, 1995

7 of 1996

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Court-Fees (Bihar Amendment) Act, 1995

7 of 1996

An Act to amend the Court-fees Act, 1870 in its application to the State of Bihar. Be it enacted by the Legislature of the State of Bihar in the Forty Sixth year of the Republic of India as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called Court-fees (Bihar Amendment) Act, 1995.
- (2) It shall come into force at once.

2. Substitution Of Schedules I And Ii Appended To Act Vii, 1870 :-

In the Court-fees Act, 1870 (Act VII of 1870) for Schedules I and II the following shall be substituted, namely:-

SCHEDULE 1

AD VALOREM FEES

Number		Proper Fee
(1)	(2)	(3)
1. Complaint, written statement, pleading a set-off or counter-claim or	When the Amount or value of the subject-matter in dispute--	

memorandum of appeal or of cross-objection not otherwise provided for in this Act presented to any civil or revenue Court except those mentioned in section 3		
	(i) does not exceed five rupees	Nil
	(ii) When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, upto one hundred rupees,	Rupee one for every five rupees or part thereof.
	(iii) When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, upto one thousand rupees,	On one hundred rupees the fee payable under clause (ii) and on the remainder, rupees two for every ten rupees or part thereof.
	(iv) When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, upto five thousand rupees.	On one thousand rupees the fee payable under clause (iii) and on the remainder, sixteen rupees for every one hundred rupees or part thereof.
	(v) When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, upto ten thousand rupees.	On five thousand rupees the fee payable under clause (iv) and on the remainder, thirty two rupees for every two hundred and fifty or part thereof.
	(vi) When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees upto twenty thousand rupees.	On ten thousand rupees the fee payable under clause (v) and on the remainder, forty eight rupees for every five hundred rupees or part thereof.
	(vii) When such amount or value exceeds twenty thousand rupees for every one thousand rupees, or part thereof, in excess of twenty thousand rupees,	On twenty thousand rupees the fee payable under clause (vi) and on the remainder, sixty four rupees for every one thousand rupees or

	upto thirty thousand rupees.	part thereof.
	(viii) When such amount or value exceeds thirty thousand rupees for every two thousand rupees or part thereof, in excess of thirty thousand rupees, upto fifty thousand.	On thirty thousand rupees the fee payable under clause (vii) and on the remainder, sixty four rupees for every two thousand rupees or part thereof.
	(ix) When such amount or value exceeds fifty thousand rupees for every five thousand rupees or part thereof, in excess of fifty thousand, provided that the maximum fee leviable on plaint or memorandum of appeal shall be Rs. 50,000	On fifty thousand rupees the fee payable under clause (viii) and on the remainder eighty rupees for every five thousand rupees or part thereof.
1[2. Plaint in a suit for possession under the Specific Relief Act, 1963, section 6.		A fee of half of the prescribed fee in the foregoing scale as in item 1.]
1[3. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.		The fee leviable on the plaint or memorandum of appeal as in item 1.]
1[4. Application for review of judgment, if presented before the ninetieth day from the date of decree.		One half of the fee leviable on the plaint or memorandum of appeal as item 1.]
5. Copy or translation of a judgment or order not being or having the force of a decree.	When such judgment or Order is passed by any Civil Court other than a High Court or by the Presiding Officer of any Revenue Court or office, or by any other judicial or Executive Authority.	
	(a) If the amount or value of the subject-matter is fifty or less than fifty rupees.	Rs, 5.00
	(b) If such amount or value exceeds fifty rupees.	Rs. 10.00
	(c) When such judgment or order is passed by a High Court.	Rs. 15.00
6. Copy of a decree or	When such decree or order	Rs. 5.00

6. Copy of a decree or order having the force of a decree.	When such decree or order made by any Civil Court other than High Court, or by any Revenue Court.-- (a) If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees.	Rs. 5.00
	(b) If such amount or value exceeds fifty rupees.	Rs. 10.00
	When such decree or order is made by a High Court.	Rs. 15.00
7. Copy of any document liable to stamp-duty under the Indian Stamp Act, 1899 (II of 1899) when left by any party to a suit or proceeding in place of the original withdrawn.	(a) When the Stamp Duty chargeable on the original does not exceed 0.95;	Rs. 1.50
	(b) In any other case.	Rs. 5.00
8. Copy of any revenue or Judicial proceeding or order not otherwise provided for by this Act or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office or any Chief Officer charged with the executive administration of a division.	For every three hundred and sixty words or fraction of three hundred and sixty words.	Rs. 10.00
9. Probate of a Will or letters of administration with or without Will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made, exceeds two thousand rupees, on such amount or value upto ten thousand rupees, and	4 Percentum
	When such amount or value exceeds ten thousand rupees on the portion of such amount or value which is in excess of ten thousand rupees upto fifty thousand rupees, and	6 Percentum
	When such amount or	8 Percentum

	value exceeds fifty thousand rupees on the portion of such amount or value which is in excess of fifty thousand rupees upto one lakh rupees.	
	When such amount or value exceeds a lakh of rupees, on the portion of such amount or value which is in excess of one lakh of rupees: Provided that when, after the grant of a certificate under the Succession Certificate Act, 1889 (vii of 1889) or under the Regulation of the Bombay Code No. VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the latter grant shall be reduced by the amount of the fees paid in respect of the former grant. Provided further that the maximum fee leviable shall be Rs. 30,000.	10 Percentum
10. Certificate under the Succession Certificate Act, 1889.	When the amount or value of any debt or security specified in the certificate under section 8 of the Act exceeds one thousand rupees, on such amount or value upto ten thousand rupees, and	Three percentum and on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act, five percentum.
	When such amount or value exceeds ten thousand rupees on the portion of such amount or value which is in excess of ten thousand rupees upto fifty thousand rupees, and When such amount or value exceeds fifty thousand rupees on the portion of such amount or value which is in excess of fifty thousand rupees upto one lakh rupees, and When	Four percentum and on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act, six percentum. Five percentum and on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act, seven and half percentum. Six

	such amount or value exceeds a lakh of rupees, on the portion of such amount or value which is in excess of one lakh of rupees.	percentum, and on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act nine percentum.
		<p>Note.--1. The amount of a debt is its amount including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.</p> <p>2. Whether or not any power with respect to a security specified in certificate has been conferred under the Act, and where such a power has been so conferred whether the power, is for the power of interest or dividends on or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the certificate is applied for, so far as such value can be ascertained.</p>

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

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

SCHEDULE I		
TABLE OF RATE OF AD VALOREM FEE LEVIABLE ON INSTITUTION OF SUITS		
When the amount or value of	But does not	Proper fee

the subject-matter exceeds 1	exceed 2	3
Rs.	Rs.	Rs. P
5	10	2
10	15	3
15	20	4
20	25	5
25	30	6
30	35	7
35	40	8
40	45	9
45	50	10
50	55	11
55	60	12
60	65	13
65	70	14
70	75	15
75	80	16
80	85	17
85	90	18
90	95	19
95	100	20
100	110	22
110	120	24
120	130	26
130	140	28
140	150	30
150	160	32
160	170	34
170	180	36
180	190	38
190	200	40
200	210	42
210	220	44
220	230	46
230	240	48
240	250	50
250	260	52
260	270	54
270	280	56
280	290	58
290	300	60
300	310	62
310	320	64

320	330	66
330	340	68
340	350	70
350	360	72
360	370	74
370	380	76
380	390	78
390	400	80
400	410	82
410	420	84
420	430	86
430	440	88
440	450	90
450	460	92
460	470	94
470	480	96
480	490	98
490	500	100
500	510	102
510	520	104
520	530	106
530	540	108
540	550	110
550	560	112
560	570	114
570	580	116
580	590	118
590	600	120
600	610	122
610	620	124
620	630	126
630	640	128
640	650	130
650	660.00.	132
660	670	134
670	680	136
680	690	138
690	700	140
700	710	142
710	720	144
720	730	146
730	740	148
740	750	150

750	760	152
760	770	154
770	780	156
780	790	158
790	800	160
800	810	162
810	820	164
820	830	166
830	840	168
840	850	170
850	860	172
860	870	174
870	880	176
880	890	178
890	900	180
900	910	182
910	920	184
920	930	186
930	940	188
940	950	190
950	960	192
960	970	194
970	980	196
980	990	198
990	1,000.00	200
1,000.00	1,100.00	216
1,100.00	1,200.00	232
1,200.00	1,300.00	248
1,300.00	1,400.00	264
1,400.00	1,500.00	280
1,500.00	1,600.00	296
1,600.00	1,700.00	312
1,700.00	1,800.00	328
1,800.00	1,900.00	344
1,900.00	2,000.00	360
2,000.00	2,100.00	376
2,100.00	2,200.00	392.00
2,200.00	2,300.00	408
2,300.00	2,400.00	424
2,400.00	2,500.00	440
2,500.00	2,600.00	456
2,600.00	2,700.00	472
2,700.00	2,800.00	488

2,800.00	2,900.00	504
2,900.00	3,000.00	520
3,000.00	3,100.00	536
3,100.00	3,200.00	552
3,200.00	3,300.00	568
3,300.00	3,400.00	584
3,400.00	3,500.00	600
3,500.00	3,600.00	616
3,600.00	3,700.00	632
3,700.00	3,800.00	648
3,800.00	3,900.00	664
3,900.00	4,000.00	680
4,000.00	4,100.00	696
4,100.00	4,200.00	712
4,200.00	4,300.00	728
4,300.00	4,400.00	744
4,400.00	4,500.00	760
4,500.00	4,600.00	776
4,600.00	4,700.00	792
4,700.00	4,800.00	808
4,800.00	4900	824
4,900.00	5,000.00	840
5,000.00	5,250.00	872
5,250.00	5,500.00	904
5,500.00	5,750.00	936
5,750.00	6,000.00	968
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
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
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	36,602.00
21,00,000.00	21,05,000.00	38,202.00
22,00,000.00	22,05,000.00	39,802.00
23,00,000.00	23,05,000.00	41,402.00
24,00,000.00	24,05,000.00	43,002.00
25,00,000.00	25,05,000.00	44,602.00
26,00,000.00	26,05,000.00	46,202.00
27,00,000.00	27,05,000.00	47,802.00
28,00,000.00	28,05,000.00	49,402.00
29,00,000.00	29,05,000.00	49,962.00
29,35,000.00	29,40,000.00	49,962.00

SCHEDULE 2

FIXED FEES

1. Application or petition	(a) When presented to any officer of the Customs or Excise Department or to any Magistrate	Rs.2.00
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	by any person having dealings with the Government and when the subject-matter or such application relates exclusively to these dealings, or	
	(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, if the application or petition relates solely to such conservancy or improvement, or	Rs.2.00
	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	Rs.2.00
	When presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for translation of any judgment, decrees or order passed by such Court, Board or Officer, or of any other document on record in such Court or office.	Rs. 2.00
	(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	Rs. 5.00
	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	Rs. 5.00

	any Magistrate in his executive capacity, and not otherwise provided for by this Act, or	
	to deposit in Court Revenue or rent, or for determination by a Court of (missing text)	Rs. 5.00
	(c) (missing text)???	Rs. 10.00
	Revenue or Circuit, or to any Chief Officer charged with the executive administration of a Division and not otherwise provided for by this Act. 2[(d) When presented to a High Court--	
	(i) Under Article 226 of the Constitution	250.00
	(ii) Under Article 227 of the Constitution	250.00
	(iii) Under Articles 226 & 227 of the Constitution jointly	500.00
	(iv) Miscellaneous petitions	20.00
	(v) Civil Revision under section 115 C.P.C. or Criminal Revision under section 397 read with section 401 Cr. P.C.	100.00
	(vi) Other petitions]	15.00
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
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. Complaint 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		Rs. 5.00

not otherwise provided for by this Act		
7. Undertaking under section 89 of the Indian Divorce Act, 1869 (4 of 1869)		Rs. 5.00
8. Mukhtarnama or Vakalatnama. 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	(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
	(b) to a Commissioner of Revenue Circuit or Customs or to any Officer charged with the Executive administration of a Division, not being the Chief Revenue or Executive Authority.	Rs. 10.00
	(c) to a High Court, Commissioner, Board of Revenue, or other Chief Controlling revenue or Executive Authority.	Rs. 15.00
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.	Rs. 5.00
	(b) to a High Court or Chief Commissioner or other Chief Controlling Executive or Revenue Authority.	Rs. 15.00
10. Caveat		Rs. 30.00
11. Application under Act No. X of 1859 section 26 of Bengal Act No. VI of 1862, section 9, of Bengal Act No. VIII of 1869, section 37.		Rs. 15.00
12. Petition in a suit under the Native Converts, Marriage Dissolution Act, 1866 (XX of 1866).		Rs. 40.00
13. Plaint or Memorandum of Appeal in each of the following suits.		Rs. 250.00
(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 names of proprietors of revenue paying estates.		
(iii) to obtain a declaratory decree where no consequential relief is played.		
(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

SCHEDULE 3

SCHEDULE III

(See section 19-I)

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	(or administration of the).
Property and credits of	deceased.
I	solemnly affirm

	make oath

and say that I am the executor (or one of the executors or one of the next-or-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.

3. I further say that the said assets, exclusively only of such last-mentioned items, but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased, and under the value of.

1. Substituted by the Bihar Court-fees (Bihar Amendment) Act, 2001 (Bihar Act 9 of 2001).

2. Substituted by the Bihar Act 18 of 1996.

SCHEDULE 4

ANNEXURE A

ANNEXURE A

VALUATION OF THE MOVABLE AND IMMOVABLE PROPERTY OF DECEASED

Rs. A. P.

Cash in the house and at the banks, household goods, wearing apparel, books, plate, jewels, etc.

(State estimated value according to best of Executors or Administrators belief.)

Property in Government securities transferable at the Public Debt Office.

(State description and value of the price of the day: also the interest separately, calculating it to the time of making the application.)

Immovable property, consisting of

(State description, giving, in the case of houses, the assessed value, if any, and the number of years assessment, the market value is estimated at, and, in the case of land the area, the market-value, and all rents that have accrued.)

Leasehold property

(If the deceased held any leases for years determinable, state the number of years

purchase, the profit, rents are estimated to be worth and the value of such inserting separately arrears due at the date of death and all rents received or due since that date or the time of making the application.)

Property in public companies

(State the particulars and the value calculated at the price of the day: also the interest separately calculating it to the time of making the application.)

Policy of insurance upon life, money out on mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money.

(State the amount of the whole, also the interest separately, calculating it to the time of making the application.)

Cook debts

(Other than bad)

Stock-in-trade

(State the estimated value, if any.)

Other property not comprised under the foregoing heads (State the estimated value, if any.)

Total.....

Deduct amount shown in Annexure B not subject to duty

Net Total.....

ANNEXURE B

SCHEDULE OF DEBTS, ETC.

Amount of debts due and owing from the deceased, payable by law out of the estate
Amount of funeral expenses
Amount of mortgage incumbrances
Property held in trust not beneficially or with general Power to confer a beneficial interest
Other property not subject to duty.