

KARNATAKA COURT-FEES AND SUITS VALUATION ACT, 1958

16 of 1958

[14th June, 1957]

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KARNATAKA COURT-FEES AND SUITS VALUATION ACT, 1958

16 of 1958

[14th June, 1957]

STATEMENT OF OBJECTS AND REASONS [KARNATAKA ACT No. 16 OF 1958]
Karnataka Gazette, Extraordinary, dated 14-6-1957 With the reorganisation of the State on the 1st November, 1956, the several laws dealing with Court Fees in force in the several integrating areas are being continued to be administered. These laws differ from each other in several respects. The present Bill is intended to bring about uniformity in law as well as in the rate structure regarding the levy of Court Fees and suits valuation throughout the new Mysore State. It is considered desirable and advantageous to have one Act both for suits valuation and Court Fees and it is therefore proposed to repeal not only the Court Fees Acts but also the Suits Valuation Acts in force in all Areas. Further, in view of the changeover to decimal coinage the proper fees have to be fixed in terms of Naye Paise instead of Annas and Pies. The Bill is intended to secure the above-mentioned objects.

CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

- (1) This Act may be called the Karnataka Court-fees and Suits Valuation Act, 1958.
- (2) It extends to the whole of the State of Karnataka.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

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) Where any other law contains provisions relating to the levy of fee in respect of proceedings under such other law, the provisions of this Act relating to the levy of fee in respect of such proceedings shall apply subject to the said provisions of such other 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 Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899), but defined in the 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 Fee

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

5. Fees on documents inadvertently received :-

When a document on which the whole or any part of the fee prescribed by this Act has not been paid is produced or has, through mistake or inadvertence, been received in any Court or public office, the Court or the head of the office may, in its or his discretion, at any time, allow 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 have the same force and effect as if the full fee had been paid in the first instance.

6. Multifarious suits :-

(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.

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

Explanation. For the purpose of this section, a suit for possession of immovable property and for mesne profits shall be deemed to be based on the same cause of action.

7. Determination of market value :-

(1) 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.

Explanation. The word "estate", as used in this section means any land subject to the payment of revenue, for which the proprietor or farmer or raiyta shall have executed a separate engagement to Government, or which in the absence of such engagement shall have been separately assessed with revenue.

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 :-

Subject to the provisions of the last preceding section, a document falling within two or more descriptions to 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 in Courts :-

(1) In every suit instituted in any Court, the Court shall, before ordering the plaint to be registered, decide on the materials and allegations contained in the plaint and on the materials contained in the statement, if any, filed under Section 10, the proper fee payable thereon, the decision being however subject to review, further review, and correction in the manner specified in the succeeding sub-sections.

(2) Any defendant may, by his written statement filed before the first hearing of the suit or before evidence is recorded on the merits of the claim but, subject to the next succeeding sub-section not later, 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 evidence is recorded affecting such defendant, on the merits of the claim. If the Court decides that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient, the Court shall fix a date before which the plaint shall be amended in accordance with the Court's decision and the deficit fee shall be paid. If the plaint be not amended or if the deficit fee be not paid within the time allowed, the plaint shall be rejected and the Court shall pass such order as it deems just regarding costs of the suit.

(3) A defendant added after issues have been framed on the merits of the claim may, in the written statement filed by him, 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 evidence is recorded affecting such defendant, on the merits of the claim, and if the Court finds that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient, the Court shall follow the procedure laid down in sub-section (2).

Explanation. Nothing in this sub-section shall apply to a defendant added as a successor or a representative in interest of a defendant who was on record before issues were framed on the merits of the claim and who had an opportunity to file a written statement pleading that the subject matter of the suit was not properly

valued or that the fee paid was not sufficient.

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

(5) All questions as to value for the purpose of determining the jurisdiction of Courts arising on the written statement of a defendant shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim.

Explanation. In this section, the expression "merits of the claim" refers to matters which arise for determination in the suit, not being matters relating to the frame of the suit, misjoinder of parties and causes of action, the jurisdiction of the Court to entertain or try the suit or the fee payable, but inclusive of matters arising on pleas of res judicata, limitation and the like.

12. Additional fee on issues framed :-

Where a party becomes liable to pay additional fee by reason of an issue framed in the suit, the provisions of the last foregoing section shall apply to the determination and levy of such additional fee subject to the modification that where the party liable does not pay such additional fee within the time allowed, the Court shall strike off the issue and proceed to hear and decide the other issues in the case.

13. Relinquishment of portion of claim :-

A plaintiff who has been called upon to pay additional fee may relinquish a part of his claim and apply to have the plaint amended so that the fee paid would be adequate for the claim made in the plaint as amended. The Court shall allow such application on such terms as it considers just and shall proceed to hear and decide the claim made in the plaint as amended, provided that the plaintiff shall not be permitted at any later stage of the suit to add to the claim the part so relinquished.

14. Fee payable on written statements :-

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

15. Fee payable on appeals, etc. :-

The provisions of Sections 10 to 13 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.

16. Fee payable on petitions, applications, etc. :-

The provisions of Sections 10 to 13 shall apply mutatis mutandis 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.

17. 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 representations made to, and orders passed by, Courts on questions relating to valuation of subject matter and sufficiency of fee in respect of proceedings in such Courts.

(2) Questions raised in reports submitted by such Court-fee Examiners and relating to any suit, appeal or other proceeding pending in a Court shall be heard and decided by such Court; and for the avoidance of doubt it is hereby declared that in hearing and deciding a question raised in any such report, it shall be lawful for the Court to review an earlier decision given by the Court on the same question.

18. Inquiry and commission :-

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

19. 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 together with a copy of any of the documents aforesaid; and where such notice is given the State Government shall be deemed to be a party to the suit or other proceeding as respects the determination of the question or questions aforesaid; and the Court's decision on such question or questions shall, when it passes a decree or final order in such suit or proceeding, be deemed to form part of such decree or final order.

CHAPTER 4

Computation of fee

20. Fee how reckoned :-

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

21. 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.

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;

23. Suits for movable property :-

24. Suits for declaration :-

In a suit for a declaratory decree or order, whether with or without consequential relief, not falling under Section 25. ¹

(c)[x x x x x]

1. Clause (c) omitted by Act No. 13 of 1982, w.e.f. 1-4-1982.

25. Adoption suits :-

In a suit for a declaration in regard to the validity or invalidity of an adoption or the factum of an adoption, fee shall be payable at the following rates.

26. Suits for injunction :-

In a suit for injunction. ¹

(b)[x x x x x]

1. Clause (b) omitted by Act No. 13 of 1982, w.e.f. 1-4-1982.

27. Suits relating to trust property :-

In a suit for possession or joint possession of trust property or for a declaratory decree, whether with or without consequential relief in respect of it between trustees or rival claimants to the office of trustee or between a trustee and a person who has ceased to be 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:

Provided that, where the property does not have a market value, value for the purpose of determining the jurisdiction of Courts shall be such amount as the plaintiff shall state in the plaint.

Explanation. For the purpose of this section, property comprised in Hindu, Muslim or other religious or charitable endowment shall be deemed to be trust property and the manager of any such property shall be deemed to be the trustee thereof.

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

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

1. Substituted for the words "Rupees one hundred" by Act No. 13 of 1982, w.e.f. 1-4-1982.

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 the market value of the property or on ¹ [rupees one thousand], whichever is higher.

1. Substituted for the words "Rupees one hundred" by Act No. 13 of 1982, w.e.f. 1-4-1982.

30. Suits relating to easements :-

In a suit relating to an easement, whether by the dominant or the servient owner, fee shall be computed on the amount at which the relief sought is valued in the plaint, which amount shall in no case be less than rupees ¹ [one thousand]:

Provided that, where compensation is claimed besides other relief relating to such easement, fee shall be paid on the amount claimed as compensation in addition to the fee payable on such other relief.

1. Substituted for the words "One hundred" by Act No. 21 of 1979, w.e.f. 31-3-1979.

31. Pre-emption suits :-

In a suit to enforce a right of preemption fee shall be computed on the amount of the consideration for the sale which the pre-emptor seeks to avoid or on the market value, whichever is less.

32. Suits relating to mortgages :-

(1) In a suit to recover the money due on a mortgage, fee shall be computed on the amount claimed.

Explanation. It is immaterial that sale of the mortgaged property is not prayed for.

(6) Where the holder of a prior or subsequent mortgage 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 mortgagor.

(9) In a suit by a mortgagee to foreclose the mortgage or, where the mortgage is made by conditional sale, to have the sale declared absolute, fee shall be computed on the amount claimed in the plaint by way of principal and interest.

33. Suits for accounts :-

(1) In a suit for accounts, fee shall be computed on the amount sued for as 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. If the additional fee is not paid within such time as the Court may fix, the decree shall be limited to the amount to which the fee paid extends.

(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.

34. 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 plaintiff's share in the partnership as estimated by the plaintiff.

(2) If the value of the plaintiff's 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 as for the plaintiff's 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, no money shall be paid and no allotment of property shall be made in favour of defendant in any such suit as, for or on account of, his share of the assets of the partnership, until the fee computed on the amount or value of his share of the assets of the partnership is paid.

35. 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 whose title to such property is denied, or who has been excluded from possession of such property, fee shall be computed on the market value of the plaintiff's 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. Rupees fifteen, if the value of plaintiff's share is Rs. 3,000 or less; Rupees thirty, if the value is above Rs. 3,000 but not more than Rs. 5,000; Rupees one hundred, if the value is above Rs. 5,000 but below Rs. 10,000; and Rupees two hundred, if the value is Rs. 10,000 and above.

(3) Where, in a suit falling under sub-section (1) or sub-section (2), a defendant claims partition and separate possession of his share of the property, fee shall be payable on his written statement computed on half the market value of his share or at half the rates specified in sub-section (2), according as such defendant has been excluded from possession or is in joint possession.

(4) Where, in a suit falling under sub-section (1) or sub-section (2), the plaintiff or the defendant seeks cancellation of decree or other document of the nature specified in Section 38 separate fee shall be payable on the relief of cancellation in the manner specified in that section.

36. 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 plaintiff's share.

37. Administration suits :-

(1) In a suit for the administration of an estate, fee shall be levied on the plaint 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 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 plaint, 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 the property is paid.

(3) No payment shall be made, 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 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.

38. 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. 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: if a part of the decree or other document is sought to be cancelled, such part of the amount or 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 plaintiff's 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.

Explanation 1. A suit to set aside an award shall be deemed to be a suit to set aside a decree within the meaning of this section.

Explanation 2. In a suit for cancellation of a decree and possession of any property, the fee shall be computed as in a suit for possession of such property.

39. Suits to set aside attachment, etc :-

(1) In a suit to set aside an attachment by a civil or revenue court of any property, movable or immovable, 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 one-fourth of the market value of the attached property in respect of which the suit is instituted or on the amount for which the property was 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.

Explanation. For the purpose of this section, the Registrar of Co-operative Societies shall be deemed to be a Civil Court.

40. Suits for specific performance :-

In a suit for specific performance, whether 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 fine 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 property sought to be got in exchange;

(e) in other cases, where the consideration for the promise sought to be enforced has a market value, computed on such market value or where such consideration has no market value, at the rates specified in Section 47.

41. Suits between landlord and tenant :-

(2) In a suit for recovery of immovable property from a tenant including a tenant holding over after the termination of a tenancy, 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.

Explanation. Rent includes also damages for use and occupation payable by a tenant holding over.

42. Suits for mesne profits :-

(1) In a suit for mesne profits or for immovable property and mesne profits, fee shall in respect of mesne profits be computed where the amount is stated approximately and sued for, on such amount. If the profits ascertained to be due to the plaintiff are in excess of the profits as approximately estimated and sued for, 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 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 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 has been paid.

43. Suits to alter or cancel entry in revenue registers and certain suits in revenue courts :-

(3) In suits in Tahsildar's Courts under the Bombay Mamlatdar Courts Act, 1906 (Bombay Act II of 1906), the fee payable shall be one rupee and fifty paise.

44. Suits relating to public matters :-

In a suit for relief under Section 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 1908), ¹ [or under Section 50 of the Bombay Public Trusts Act, 1950 (Bombay Act XXIX of 1950)], the fee payable shall be fifty rupees.

1. Inserted by Act No. 13 of 1981 and shall be and shall be deemed to have been inserted w.e.f. 1-1-1976.

45. Interpleader suits :-

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

(3) Value for the purpose of determining the jurisdiction of Court shall be the amount of the debt, or the sum of money or the market value of other 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 a 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.

Explanation. The provisions of this section shall also apply to counter claims made in third party proceedings.

47. Suits not otherwise provided for :-

In suits not otherwise provided for, fee shall be payable at the following rates.

48. Fee on memorandum of appeal against 1[decision, award or order] relating to compensation :-

The fee payable under this Act on a memorandum of appeal against ¹[a decision or an award or order] relating to compensation under any Act for the time being

in force for the acquisition of property for public purpose shall be computed on the difference between the amount awarded and the amount claimed by the²[appellant.]³

Explanation. For the purpose of this section the expressions of amount awarded' and 'amount claimed' include any other additional sum payable in accordance with the law providing for acquisition in consideration of the compulsory nature of the acquisition.

1. Substituted for the words "fifteen rupees" by Act No. 7 of 1996, w.e.f. 28-3-1996.

2. Now see the Karnataka Act No. 12 of 1964, w.e.f. 1-4-1964.

3. Inserted by Act No. 13 of 1981 and shall be and shall be deemed to have been inserted w.e.f. 1-1-1976.

49. Appeals :-

¹ [Save as provided in Section 48, 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.

Explanation (1). Whether the appeal is against the refusal of a relief or against the grant of the relief, the fee payable in the appeal shall be the same as the fee that would be payable on the relief in the Court of first instance.

Explanation (2). Costs shall not be deemed to form part of the subject matter of the appeal except where such costs form themselves the subject matter of the appeal or relief is claimed as regards costs on grounds additional to, or independent of, the relief claimed regarding the main subject matter in the suit.

Explanation (3). In-claims which include the award of interest subsequent to the institution of the suit the interest accrued during the pendency of the suit till the date of decree shall be deemed to be part of the subject matter of the appeal except where such interest is relinquished.

Explanation (4). Where the relief prayed for in the appeal is different from the relief prayed for or refused in the Court of first instance, the fee payable in the appeal shall be the fee that would be payable in the Court of first instance on the relief prayed for in the appeal.

Explanation (5). Where the market value of the subject matter of the appeal has to be ascertained for the purpose of computing or determining the fee payable, such market value shall be ascertained as on the date of presentation of the plaint.

1. Substituted for the words "fifteen rupees" by Act No. 7 of 1996, w.e.f. 28-3-1996.

CHAPTER 5

Valuation of Suits

50. Suits not otherwise provided for :-

(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 or where it is not possible to estimate it at a money value such amount as the plaintiff shall state 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 :-

(2) If the 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 and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the Court of first instance or lower Appellate Court.

(3) If the objection was taken in that manner and the Appellate Court is satisfied as to both those matters and has those materials before it, it shall proceed to deal with the appeal under the rules applicable to the Court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a Court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an appellate Court shall, so far as they can be made applicable apply to a Court exercising revisional jurisdiction under Section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908), or other enactment for the time being in force.

CHAPTER 6

Certificate 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 Deputy Commissioner of the district in which the estate is situated or if the estate is situated in more than one district, to the Deputy Commissioner of the district in which the most valuable portion of the immovable property included in the estate is situated.

53. Levy of fee :-

Explanation. Any member of a joint Hindu family governed by the Mitakshara Law who applies for probate or letters of administration in respect of the estate of a deceased member of the joint family shall pay a fee on the value of the share in the joint property which the deceased would have received if a partition of the property had been made immediately before his death.

54. Grant of probate :-

The grant of probate or letters of administration shall not be delayed by reason of the reference to the Deputy Commissioner under sub-section (2) of Section 52; or of a motion by the Deputy Commissioner under sub-section (5) of Section

56; but the Court shall make no grant of probate or letters of administration until it is satisfied that a fee not less than that prescribed by 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:

Provided that the Court may grant probate or letters of administration notwithstanding that the prescribed fee has not been paid, 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 in respect thereof 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 Deputy Commissioner :-

(1) The Deputy Commissioner 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 Deputy Commissioner of any other district in which any part of the property is situated to furnish him with the correct valuation thereof.

(2) Any Deputy Commissioner 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 Deputy Commissioner 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 Deputy Commissioner and the Deputy Commissioner finds that a less fee has been paid

than was payable according to the true value of the estate, he shall proceed under sub-section (4) of Section 58; but if a higher fee has been paid than was payable according to the true value of the estate, the excess fee shall be refunded to the applicant.

57. Application to Court and power of Court :-

(1) The Court shall, when moved by the Deputy Commissioner 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 Deputy Commissioner shall be deemed to be a party to the inquiry.

(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 in accordance with the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), as to the cost of the inquiry as it thinks fit.

58. Provision for cases where too low a fee has been paid :-

(1) Where too low a fee has been paid on any probate or letters of administration in consequence of any mistake or of its not being known 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 Deputy Commissioner in the form set forth in Part II of Schedule III and pays within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, what is wanting to make up the fee which ought to have been paid at first on such probate or letters the Deputy Commissioner shall, if satisfied that a low fee was paid in the first instance in consequence of a mistake and without any intention of fraud 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 Deputy Commissioner is not satisfied that the application was 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 a low fee in the first instance was not due to a bonafide 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 Deputy Commissioner as a result of proceedings under Section 56 or Section 57 or otherwise, that a less fee has been paid than was payable according to the true value of the estate, he shall cause the probate or letters to be properly stamped as payment of the deficit fee and if he is satisfied that the

original undervaluation was not bon fide he shall levy in addition a penalty not exceeding five times the deficit fee.

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

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

In case of letters of administration on which too low a fee has been paid at first, the Deputy Commissioner shall not cause the same to be duly stamped in the manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of estate of the deceased had been then ascertained.

60. Relief when too high a fee has been paid :-

(1) If, at any time after the grant of the probate or letters of administration of an estate, it is discovered that a higher fee has been paid than was payable according to the true value of the estate, the executor or the administrator, as the case may be, may apply for a refund to the Deputy Commissioner 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.

61. Recovery of penalties, etc :-

Any excess 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 Chief Controlling Revenue Authority be recovered from the executor or administrator as if it were an arrear of land revenue.

62. Powers of Chief Controlling Revenue Authority :-

The powers and duties of the Deputy Commissioner under this Chapter shall be subject to the control of the Chief Controlling Revenue Authority.

CHAPTER 7

Refunds and Remissions

63. Refund in case of delay in presentation of plaint, etc :-

(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 :-

65. Refund where Court reverses or modifies former decision on ground of mistake :-

Where an application for a review of judgment is admitted on the ground of some mistake or error apparent on the face of the record, and on the rehearing the Court reverses or modifies its former decision on that ground, it shall direct the

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 (t) of Schedule II.

66. Refund on settlement before hearing :-

Whenever by agreement of parties.

(a) any suit is dismissed as settled out of Court before any evidence has been recorded on the merits of claim; or

(b) any suit is compromised ending in a compromise decree before any evidence has been recorded on the merits of the claim; or

(c) any appeal is disposed of before the commencement of hearing of such appeal: half the amount of all fees paid in respect of the claim or claims in the suit or appeal shall be ordered by the Court to be refunded to the parties by whom the same have been respectively paid.

Explanation. The expression merits of the claim' shall have the meaning assigned to it in Section 11.

67. Refund of fee paid by mistake or inadvertence :-

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

68. Instruments of partition :-

Where the final decree in a partition suit has been engrossed on non-judicial stamps furnished by the parties, the Court shall refund to the parties of so much of the valued fee paid by them as is equal to the value of the non-judicial stamps furnished by them.

69. Exemption of certain documents :-

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

(i) mukhtarnama, Vakalatnama or other written authority to institute or defend a suit when executed by a member of any of the Armed Forces of the Union not in civil employment;

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

(iii) complaints and other documents in suits filed in village Court;

(iv) application or petition to a Deputy Commissioner or other officer making a settlement of land revenue, or to the State government 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;

(v) application relating to a supply for irrigation of water belonging to Government;

(vi) 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;

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

(viii) written authority to an agent to distrain;

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

(x) bail bonds in criminal cases, recognizances to prosecute or give evidence and recognizances for personal appearance or otherwise;

(xi) 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;

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

(xiii) complaint of a public servant as defined in the Indian Penal Code (Central Act XLV of 1860) or an officer of the State Railway;

(xiv) application for permission to cut and remove timber in Government forests or otherwise relating to such forests, not being applications from forest contractors for extending the period of their leases;

(xv) 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;

(xvi) petition of appeal against any municipal tax;

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

(xviii) petition under Section 48 of the Indian Christian Marriage Act, 1872 (Central Act XV of 1872);

(xix) 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;

(xx) Copy of record of rights filed with complaints or applications.

70. Power to reduce or remit fees :-

1

(2) Every notification under sub-section (1) shall be laid as soon as may be after it is published in the official Gazette before the State Legislative Assembly while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of that

period, the State Legislative Assembly makes any modification in the notification or directs that the notification shall not have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be.

1. Substituted for the words "fifteen rupees" by Act No. 7 of 1996, w.e.f. 28-3-1996.

CHAPTER 8

Miscellaneous

71. Collection of fees by stamps :-

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

72. 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 official Gazette from time to time, direct.

73. Amended document :-

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

74. Cancellation of stamp :-

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. Such officer as the Court or the head of the office may, from time to time, appoint shall on receiving any such document forthwith effect 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 burnt or otherwise destroyed.

75. Deduction to be made :-

1

(3) No such deduction shall, however, be made where refund is claimed in respect of any fee paid in pursuance of an order of a Court which has been varied or reversed in appeal.

(4) A statement of the amount refunded under sub-section (2) shall be sent by the Court to the Deputy Commissioner concerned at the end of every month in such form as may be prescribed.

1. Substituted for the words "fifteen rupees" by Act No. 7 of 1996, w.e.f. 28-3-1996.

76. Penalty :-

Any person appointed to sell stamps, who disobeys any rules 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.

76A. Legal Benefit Fund :-

1

(1) Notwithstanding anything contained in this Act or any other law for the time

being in force, it shall be competent for the State Government to levy an additional Court-fee, by notification, in respect of appeals or revisions to tribunals or appellate authorities, other than Civil and Criminal Courts, at a rate not exceeding one hundred rupees for each appeal or revision

(2) There shall be constituted a legal benefit fund to which shall be credited the proceeds of the additional Court-fee levied and collected under sub-section (1).

(3) The fund constituted under sub-section (2), shall be applied and utilised for the purpose of providing an efficient legal service for the purpose of providing an efficient legal service for the people of the State and to provide social security measures for the legal profession.

(4) The mode and manner in which legal service to the people may be made more efficient and social security measures for the legal profession may be provided, shall be as prescribed by rules made by Government.

1. Substituted for the words "fifteen rupees" by Act No. 7 of 1996, w.e.f. 28-3-1996.

77. Power of High Court to make rules :-

(2) All rules made under sub-section (1) shall be subject to confirmation by the State Government and on such confirmation shall be published in the official Gazette and shall there upon have the force of law.

78. Power of State Government to make rules :-

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

(3) All rules made under this Act shall be laid as soon as may be after they are made before the State Legislative Assembly while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of that period. The State Legislative Assembly makes any modification in the rules or directs that any rule shall not have effect the rules shall thereafter have effect only in such modified form or be of no effect, as the case.

79. Repeal and savings :-

(3) All suits and proceedings instituted before the commencement of this Act shall, notwithstanding the repeal of the Acts specified in sub-section (1) be governed by the provisions of the said Acts and the rules made thereunder.

SCHEDULE 1

Ad valorem fees

SCHEDULE 1		
Ad valorem fees		
Article	Particulars	Proper fee
(1)	(2)	(3)
1.	Plaint, written statement, pleading a set off or counterclaim or memorandum of appeal presented to any Court. When the amount or value of the subject	

	matter in dispute	
(i)	not exceeding rupees 15,000	2 1/2 per centum
(ii)	exceeding rupees 15,00 but not exceeding rupees 75,000	Rupees 375 plus 71/2 per centum of the amount exceeding rupees 15,000
(iii)	exceeding rupees 75,000 but not exceeding rupees,, 2,50,000	Rupees 4,875 plus 7 per centum of the amount exceeding rupees 75,000
(iv)	exceeding rupees 2,50 ,000 but not exceeding rupees 5,00,000	Rupees 17,125 plus 61/2 per centum of the amount exceeding Rupees 2,50,000
(v)	exceeding Rupees 5,00,000 but not exceeding rupees 7,50,000	Rupees 33,375 plus 6 per centum of the amount exceeding Rupees 5,00,000
(vi)	exceeding Rupees 7,50,000 but not exceeding rupees 10,00,000	Rupees 48,275 plus 51/2 per centum of the amount exceeding Rupees 7,50,000
(vii)	exceeding rupees 10,00,000 but not exceeding rupees 15,00,000	Rupees 62,125 plus 5 per centum of the amount exceeding rupees 10,00,000
(viii)	exceeding rupees 15,00,000 but not exceeding rupees 20,00,000	Rupees 87,125 plus 41/2 per centum of the amount exceeding rupees 15,00,000
(ix)	exceeding rupees 20,00,000 but not exceeding rupees 25,00,000	Rupees 1,09,625 plus 4 per centum of the amount exceeding rupees 20,00,000
(x)	exceeding rupees 25,00,000 but not exceeding rupees 30,00,000	Rupees 1,29,625 plus 31/2 per centum of the amount exceeding rupees 25,00,000
(xi)	exceeding rupees 30,00,000 but not exceeding rupees 40,00,000	Rupees 1,47,125 plus 3 per centum of the amount exceeding rupees 30,00,000
(xii)	exceeding rupees 40,00,000 but not exceeding rupees 50,00,000	Rupees 1,77,125 plus 21/2 per centum of the amount exceeding rupees 40,00,000
(xiii)	exceeding rupees 50,00,000 but not exceeding rupees 60,00,000	Rupees 20,02,125 plus 2 per centum of the amount exceeding rupees 50,00,000
(xiv)	exceeding rupees 60,00,000 but not exceeding rupees 70,00,000	Rupees 2,22,125 plus 1 1/2 per centum of the amount exceeding rupees 60,00,000
(xv)	exceeding rupees 70,00,000 but not exceeding rupees 80,00,000	Rupees 2,37,125 plus 1 per centum of the amount exceeding rupees 70,00,000
(xvi)	above rupees 80,00,000	Rupees 2,47,125 plus 1/2 per centum of the amount exceeding rupees 80,00,000.
2, (a)	Petition under Section 26 of the Provincial Insolvency Act, 1920 as extended and amended by the Provincial Insolvency (Karnataka Extension and Amendment) Act, 1962 (Karnataka Act 7 of 1963). Or application under Section 95 of the Code of Civil Procedure, 1908.	An amount of one-half of the scale of fee prescribed in Article 1 on the amount or compensation claimed.
(b)	Appeal against order on a petition or application falling under clause (a).	On the scale prescribed in Article 1 on the amount in dispute.
3. (a)	Petition under Section 53 or 54 of the Provincial Insolvency Act 1920, as extended and amended by the Provincial Insolvency (Karnataka Extension and Amendment) Act, 1962 Karnataka Act 7 of 1963).	An amount of one-half of fee prescribed in Article 1 on the market value of the subject-matter subject to a maximum fee of rupees five-hundred.
(b)	Appeal against order on a petition falling under clause (a) whether by the official receiver or by the unsuccessful party.	An amount of one-half of the scale of fee prescribed in Article 1 on the market value of the subject matter subject to a maximum fee of rupees five hundred.
4.	Memorandum of appeal against order in proceedings under the Indian Succession Act, 1925.	An amount of one-half of the scale of fee Prescribed for Article 1 on the amount or value of the subject matter.
5.	Application for review of judgment, if presented before the ninetieth day from the date of the decree.	One half of the fee leviable on the plaint or memorandum of appeal,
5-A.	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.
5-AA.	Application for review of order of the Karnataka	Twenty rupees.
6.	Probate of a will or letters of administration with or without will annexed. When the amount	Five per centum.

	or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, up to three lakhs of rupees.	
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs of rupees, on the part of amount or value in excess of three lakhs of rupees,	Ten per centum.
7.	Certificate under Part X of the Indian Succession Act, 1925.	The fee leviable in the case of a probate (Article 6) on the amount or value of any debt or security specified in the certificate under Section 374 of the act and one and a half times this fee on the amount or value of any debt or security to which the certificate is extended under Section 376 of the Act.

SCHEDULE 2

SCHEDULE

SCHEDULE 2		
Article	Particulars	Proper fee
(1)	(2)	(3)
1.	Petition in a suit under the Mysore Converts' Marriage Dissolution Act 1866 (Mysore Act XXI of 1866); or the Converts' Marriage Dissolution Act, 1866 (Central Act XXI of 1866); Petition under the Indian Divorce Act, 1869 (Central Act IV of 1869), other than a petition under Section 44 of	-
-	that Act, and every memorandum of appeal under Section 55 of that Act; Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1939 (Central Act m of 1936), or counterclaim, made under Section 37 of that Act; Petition, plaint or memorandum of appeal when presented to a Court under the Dissolution of Muslim Marriage Act, 1939 (Central Act VIII of 1939), the Mysore Dissolution of Muslim Marriage Act, 1943 (Mysore Act XLIII of 1943); and the Dissolution of Muslim Marriage Act, 1939 (Central Act VIII of 1939), as in force in the Gulbarga Area; Petition under Sections 22, 23, 24, 25 or 27 of the Special Marriage Act, 1954 (Central Act 43 of 1954) and memorandum of appeal under Section 39 of that Act; Petition under Sections 9, 10, 11, 12 or 13 of the Hindu Marriage Act, 1955 (Central Act 25 of 1955) and memorandum of appeal under Section 28 of that Act. If in a suit falling under any of the above paragraphs, there is a specific claim for damages, separate fee at the rates prescribed in Article 1 of Schedule I shall be charged on the amount of damages claimed.	One hundred rupees
2.	Undertaking under Section 49 of the Indian Divorce Act, 1869.	Five rupees
3.	Memorandum of appeal from a decision or an award or 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.	Four rupees
(ii)	to the Karnataka Appellate Tribunal or the Co-operative Appellate Tribunal.	Eight rupees.
(iii)	To the High Court	-
-	(1) 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 thousand rupees.	Fifteen rupees
-	(b) In any other case	Eight rupees
-	(2) Where the appeal is under Section 45-B of the Banking Companies Act, 1949	One hundred rupees
-	(3) Where the appeal is under Section 411-A of the Code of Criminal Procedure, 1898.	Five rupees
(iv)	to the government in pursuance of a statutory right to appeal for which no Court-fee is leviable under any other enactment.	Ten rupees
4.	Memorandum of appeal under Section 39 of the Arbitration Act, 1940	-
(i)	in a case where the value or jurisdiction does not exceed Rs. 5,000:	Fifteen rupees
(i-a)	in a case where the value or jurisdiction exceeds Rs. 5,000 but does not exceed Rs. 50,000	Fifty Rupees
(ii)	in any other case	One hundred and fifty rupees
5.	Copy or translation of a judgment or order not being or having the force of a decree.	One rupee
6.	Copy or translation of a judgment or order of a Criminal Court.	Fifty paise.
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.	One rupee
-	When such decree or order is made by the High Court.	Four rupees.
8.	Copy of any document liable to stamp duty under any law in force relating to stamps 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 one rupee.	The amount of the duty chargeable on the original.
(b)	in any other case	One rupee and twenty-five paise.
9.	Copy of any revenue or judicial proceedings or order not otherwise provided for by this Act or copy of any account, statement, report, order or the like taken out of any Court or Public Office. For every three hundred and sixty words or fraction of three hundred and sixty words.	Fifty paise
10. (a)	Application or petition presented to any officer of the Excise or Prohibition Department or to any Magistrate by any person having dealings with the Government and when the subject matter of such application relates exclusively to those dealings	One rupee
(b)	Application or petition presented to any officer of land revenue by any person Holding temporarily settled land under direct engagement with Government and when the subject matter of the application or petition relates exclusively to such engagement.	One rupee
(c)	Application or petition presented to any Municipal Corporation, Municipal Council, Sanitary Board, Notified Area Committee, Town Area Committee,	One rupee

	the Commissioner, Executive Officer, Chief Officer, Secretary, President or Chairman 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.	
(d)	Application or petition presented to any officer of land revenue relating to the grant of land on darkhast.	One rupee
(e)	Application to a Deputy Commissioner for lease of land for agricultural or non-agricultural purposes.	Two rupees
(f)	Application to a Forest Officer by a forest contractor for extension of the period of lease. (i) if the value of the subject matter of the lease is Rs. 5,000 or less;	Twenty five rupees
-	(ii) if such value exceeds Rs. 5,000 for every Rs. 1,000 or part thereof in excess of Rs. 5,000.	Five rupees
(g)	Application for attestation of private documents intended to be used outside India	Ten rupees
(h)	Application for lapsed deposit presented after six months after the date on which the amount lapsed to the Government.	-
-	(i) When the amount of deposit does not exceed Rs. 50.	One rupee
-	(ii) When the amount of deposit exceeds Rs. 50 but does not exceed Rs.1,000.	Two rupees
-	(iii) When it exceeds Rs. 1,000	Four 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 having the force of law;	Four rupees
-	(ii) in other cases.	Two rupees and fifty paise
(j)	Application or petition presented to the Karnataka Appellate Tribunal or Divisional Commissioner or Chief Executive Authority and not otherwise provided for.	-
-	(i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law;	Four rupees
-	(ii) in other cases:	Two rupees and fifty paise
(k)	Application for permission for use of agricultural land for non-agricultural purposes.	Ten rupees
(1)	Application or petition not falling under clauses (i) or (j) and presented to a public officer or in a public office and not otherwise provided for	-
-	(i) which involves the exercise or non-exercise of power conferred by law or rule having the force of law;	Two Rupees
-	(ii) in other cases;	One Rupee
11. (a)	Application or petition presented to any Civil Court other than a Principal Civil Court of original jurisdiction or to any Court of Small Causes or to a Deputy Commissioner or other Officers of revenue or Public Officer in relation to any suit or case in which the amount or value of the subject matter is less than fifty rupees.	One Rupee
(b)	Application or petition presented to any Court or to any Board, Statutory Authority or Public Officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board Statutory Authority or officer, or of any other document or record in such Court, Board Statutory Authority or office.	One Rupee
(c)	Application to any Court that records may be called from another Court, when the Court grants the application and is of opinion that the transmission of such records	One rupee in addition to the fee leviable on the application.

	involves the use of the post.	
(d)	Application or petition containing a complaint or charge of any offence other than an offence for which police officers may, under the Code of Criminal Procedure, 1898, arrest without warrant, and presented to any Criminal Court.	One rupee
(e)	Application or petition to deposit in Court or in the office of the Deputy Commissioner or other Revenue Officer revenue or rent.	One rupee
(f)	Application or petition for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	One rupee
(g)	Application or petition presented to a Court or to a Deputy Commissioner, or any Revenue Officer or to a Public Officer having jurisdiction equal or subordinate to a Deputy Commissioner, or to any Magistrate in his executive capacity and not otherwise provided for by this Act.	One rupee
(h)	Application for temporary injunction in relation to any suit or proceeding	-
-	(i) when presented to any Court.	Ten Rupees
-	(ii) when presented to any other authority.	Five Rupees
(ha)	Application for arrest or attachment before judgment when presented to a Civil Court other than the High Court or a Revenue Court in relation to any suit or proceeding	Five Rupees
(i)	Application under Order XXI, Rule 58 of the Code of Civil Procedure, 1908, regarding claim to the attached property.	-
-	(i) when filed in a Revenue Court	Five rupees
-	(ii) when filed in any other Court	Ten rupees
(1)	Application or petition under Section 47 and Order XXI, Rule 90 of the Code of Civil Procedure, 1908 when filed in any Court.	Five rupees
(ja)	Application or petition under Order 17 Rules 1 and 2 of the Code of Civil procedure, 1908	-
-	(i) when filed in the High Court	Ten Rupees
-	(ii) when filed in any other Court	Five Rupees
(k)	Application or petition under Sections 34, 72, 73, and 74 of the Indian Trusts Act, 1882.	Five rupees
(1)(i)	Application for probate or letters of administration or for revocation thereof to have effect throughout India.	Twenty-five rupees
(ii)	Application for probate or letters of administration or for revocation thereof not falling under clause (i) or an application for a certificate under Part X of the Indian Succession Act, 1925, or Bombay Regulation VIII of 1927	-
-	(1) if the amount or value of the estate does not exceed Rs. 2,000.	Five rupees
-	(2) If the value exceeds Rs. 2,000 but does not exceed Rs. 10,000	Ten rupees
-	(3) If the amount or value exceeds ten thousand rupees.	Twenty rupees
-	Provided that if a caveat is entered and the application is registered as a suit, one half the scale of fee prescribed in Article I of Schedule I on the market value of the estate less the fee already paid on the application shall be levied	-
(m)	Original petitions not otherwise provided for when filed in.	-
-	(i) any Court subordinate to the High Court.	Two rupees
-	(ii) the High Court	Twelve rupees
(n)	Application to set aside an award under the Arbitration Act, 1940	-
-	(1) if the value of the subject matter of the award does not exceed Rs.5000	Twenty-five rupees

-	(2) if such value exceeds Rs. 5,000	One hundred rupees
(o)	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 when presented to	-
-	(1) The Court of the Munsiff,	Fifty rupees
5	(1) any other Court	Two hundred rupees
(p)	-	-
(q)	Revision petition presented to the High Court under Section 115 of the Code of Civil Procedure, 1908, 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 relates does not exceed Rs.1,000.	Five rupees
-	(ii) if such value exceeds Rs. 1,000 but does not exceed Rs. 10,000	Fifteen Rupees
-	(iii) if the value exceeds Rs. 10,000	Twenty Rupees
(r)	Petition under Sections 391, 439 and 522 of the Companies Act, 1956, in connection with the winding up of a company.	one hundred rupees
(s)	Petition of the High Court under Article 226 of the Constitution for a writ other than the writ of Habeas Corpus, or a petition under Article 227 of the Constitution.	One hundred rupees
(sa)	Appeal petition to the High Court from an original judgment, decree or order of a Single Judge of the High Court made in exercise of the powers under clause (1) of Article 226, Article 227 and Article 228 of the Constitution of India.	One hundred rupees
(t)	Application under Section 45 of the Specific Relief Act, 1877.	Ten rupees
(u)	Application of petition presented to the to the High Court the Karnataka Administrative Tribunal and not otherwise specifically provided for	Two rupees
(v)	Election petition to a Civil Court or Judicial Officer questioning the Election of a person in respect of.	-
-	(i) the office of Member of a Taluk Board or Panchayat.	Fifteen rupees
-	(ii) the office of President or Vice-President of a Taluk Board or Chairman or Vice-Chairman of a Panchayat.	Twenty five rupees
-	(iii) the member of a town Municipal Council:	Fifty rupees
-	(iv) the office of member of a Municipal Corporation in the State or of member of a City Municipal Council	One hundred rupees
-	(v) the office of Mayor or Deputy Mayor of a Municipal Corporation or of Chairman of a Municipality.	Two hundred rupees
12.	Application for leave to sue as a pauper	Seventy-five paise
13.	Application for leave to appeal as a pauper.	-
(a)	When presented to a High Court	Two rupees and fifty paise
(b)	When presented to any other Court	One rupee and twenty-five paise.
14.	Bail bond or other instrument of Obligation given in pursuance of an order made by a Court of Magistrate under any section of the Code of Criminal Procedure, 1898 or the Code of Civil Procedure, 1908 and not otherwise provided for by this Act.	One rupee and twenty-five paise.

15.	Every copy of power-of-attorney when filed in any suit or proceeding.	Two Rupees
16.	Muktharnama or Vakalatnama or any paper signed by an advocate Signifying or intimating that he is Retained for a party. When presented	-
(a)	to any Court (other than a High Court or to the Karnataka Administrative Tribunal or to the Karnataka Appellate Tribunal, Sales Tax Appellate Tribunal or Deputy Commissioner or any statutory or other authority or any officer.	One rupee One rupee
(b)	to the Karnataka Appellate Tribunal or the Karnataka Sales Tax Appellate Tribunal	Two rupees
(c)	to the High Court	Three rupees
(cc)	to the Karnataka Administrative Tribunal	Three rupees
(d)	to the Government	Three rupees
17.	Agreement writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908	-
-	(i) Where the value of the subject matter does not exceed Rs. 5,000.	Fifteen rupees
18.	(ii) In any other case Caveat.	One hundred rupees
(1)	When filed under the Indian Succession Act.	-
-	(i) if the value of the property involved does not exceed two thousand rupees	six rupees and twenty five paise
-	(ii) if the value of the property involved exceeds two thousand rupees	Twelve rupees and fifty paise
(2)	in other cases	-
(i)	if filed in the High Court	Ten rupees
(i-a)	If filed in the Karnataka Administrative Tribunal	Ten rupees
(ii)	if filed in other Courts	Five rupees.

SCHEDULE 3

SCHEDULE

SCHEDULE 3

PART 1

[See Section 52]

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

IN THE COURT OF

Reference: Probate of the will of the estate of (or administration)

deceased.

1.I, (A.B.) solemnly affirm/make oath and say mat 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 Form of Valuation all the estate of which the above named 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 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 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 what is stated in this Form of Valuation is true to the best of my information and belief.

(Signed).....AB.

ANNEXURE-A

Valuation of the movable and immovable property of deceased. Rs. P.

Cash in hand and at the bank, household goods, wearing apparel, books, plate, jewels, etc.

(State estimated value according to best of Executor's or Administrator's belief).

Property in Government Securities transferable at the Public Debt Office.

(State description and value on the date of the death of the deceased or on the date of the application, as the case may be)

Immovable property, consisting of.....

(State description and market value on the date of the death of the deceased or on the date of the application, as the case may be)

Leasehold property

(If the deceased held any leases for years determinable, state the period of the lease and estimated amount of rent inserting separately arrears due on the date of death or on the date of the application, as the case may be).

Property in public companies.

(State the particulars and the value calculated at the price on the date of the death or on the date of the application, as the case may be)

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

(State the amount of the whole on the date of the death or on the date of the application, as the case may be)

Debts

(Other than bad debts)

Stock in trade.

(State the estimated value, if any)

Other property not comprised under the foregoing heads

(State the estimated value, if any)

ANNEXURE-B

SCHEDULE OF DEBTS etc.

	Rs.	P.
Amount of debts due and owing from the deceased, legally payable out of the estate
Amount of expenses connected with funeral rites and ceremonies
Amount of mortgage encumbrances
Property held in trust not beneficially or with general power to confer a beneficial interest
Other property not subject to duty		
Total		