

Kerala Court–Fees And Suits Valuation (Amendment) Act, 1972

4 of 1972

CONTENTS

1. Short Title And Commencement
2. Insertion Of New Section 74A
3. Amendment Of Schedule I
4. Amendment Of Schedule Ii

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An Act further to amend the Kerala Court – Fees and Suits Valuation Act, 1959 WHEREAS it is expedient further to amend the Kerala Court – Fees and Suits Valuation Act, 1959, for the purposes hereinafter appearing; BE it enacted in the Twenty-third Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Kerala Court- Fees and Suits Valuation (Amendment) Act, 1972.

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

2. Insertion Of New Section 74A :-

After section 74 of the Kerala Court-Fees and Suits Valuation Act, 1959 (10 of 1960) (hereinafter referred to as the Principal Act), the following section shall be inserted, namely:-

"74A Special Provision regarding certain appeals.- (1) Notwithstanding anything contained in the foregoing provisions of this Act, the Court shall admit the memorandum of appeal in respect of an appeal-

- (a) against the decree in a suit referred to in clause (ii) of sub-section (1) of section 74, presented by the plaintiff in such suit; or
- (b) against the decree in a suit for money instituted against a

member of a Scheduled Caste or Scheduled Tribe whose monthly income does not exceed one hundred rupees and wherein the claim does not exceed one thousand rupees, presented by such member, even though the fee chargeable under this Act has not been paid, and, after such admission, calculate the mount of court fee chargeable in respect of such memorandum of appeal under the provisions of this Act and require the Collector of the district to pay the fee so chargeable:

Provided that, in the following cases, the court shall not admit a memorandum of appeal referred to in clause (a), if the fee payable under this Act has not been paid, namely :-

(a) when the court has not required the Collector of the district under sub-section (1) of section 74 to pay the fee chargeable under this Act in respect of the suit in which the decree appealed against was passed;

(b) when the suit has been dismissed wholly or in part on the ground that the claim or portion of it made in the suit was false or vexatious and the court recorded a finding to the effect that it was so".

(2) Every memorandum of appeal referred to in sub-section (1) shall, when presented to the court, be accompanied by such documents and records containing such particulars as may be prescribed.

(3) If the court finds that the appellant is not entitled to the concession under sub-section (1), it shall require the appellant to pay the fee chargeable in respect of the memorandum of appeal under the provisions of this Act, and, on such payment, the memorandum shall be deemed to have been duly stamped at the time of presentation.

(4) On receipt of a requisition from the court under sub-section (1) for payment of court fee, the Collector shall pay the required fee within the time specified by the court.

(5) Where the appellant succeeds in an appeal referred to in sub-section (1), the fee chargeable in respect of the memorandum of appeal under the provisions of this Act shall be recoverable by the Government from the party ordered by the court to pay the same, and shall be a first charge on the subject-matter of the suit in which the decree appealed against was passed.

(6) The Government shall have the right at any time to apply to the court to make an order for the payment of court fees under sub-section (5).

(7) All matters arising under this section between the Government

and any appellant shall be deemed to be questions arising between the parties to the suit in which the decree appealed against was passed, within the meaning of section 47 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(8) Where an order is made under this section, the court shall forthwith cause copy of the order to be forwarded to the Collector of the district, who may, without prejudice to any other mode of recovery, recover the amount of court-fees specified therein from the person or property liable for the payment as if it were an arrear of land revenue."

3. Amendment Of Schedule I :-

In the principal Act, in Schedule I, in column (3) of Article I,-

- (i) for the words "Thirty-seven paise" in both the places wherever they occur, the words "forty paise" shall be substituted;
- (ii) for the words "seventy-five paise" the words "eighty paise" shall be substituted.

4. Amendment Of Schedule II :-

In the principal Act, in Schedule II,-

(a) in Article 10,-

- (i) in clause (i), for the words "fity paise" in column (3), the words "one rupee" shall be substituted;
 - (ii) in clause (j), for the words "one rupee and fifty paise" in column (3), the words "one rupee" shall be substituted.
- (b) in Article II in clause (u), in sub-clause (iv), for the words, "the Office of mayor of the Corporation of Trivandrum or the Corpration of Calicut", the words "the Office of Mayor of a Municipal Corporation" shall be substituted.