

Court-Fees (Orissa Amendment) Act, 1975

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Court-Fees (Orissa Amendment) Act, 1975

An Act to amend the Court-fees Act, 1870, in its application to, the State of Orissa Be it enacted by the legislature of the State of Orissa in the Twenty-sixth Year of the Republic of India, as follows : Statement of Objects and Reasons.--The expert committee on legal aid suggested to amend the Court-fees Act, 1870, whereby actions by women for maintenance or enhanced maintenance or shares in the estate of the deceased husband or parent in the family property or for divorce on grounds of cruelty or other misconduct on the part of her husband will be exempted from payment of Court-fees if her income does not exceed Rs. 5,000 a year in order to help them to meet the financial difficulty standing on their way for availing rights given to them under the law. The Government have accepted the recommendation in principle and have decided to provide for such exemption in the case of women having an annual income not exceeding Rs. 3,000. This bill seeks to achieve the above object. Published vide Orissa Gazette Ext./26.11.1975 O.A. No. 55 of 1975. For Statement of Objects and Reasons, see Orissa Gazette Ext No. 1802/11.11.. 975.

1. Short Title :-

This Act may be called the Court-fees (Orissa Amendment) Act, 1975.

2. Insertion Of New Section 18-A :-

After Section 18 of the Court-fees Act, 1870, as in force in the State of Orissa the following new section shall be inserted, namely : "18-A. Exemption to women-

(1) Notwithstanding anything contained in this Act no plaint in respect of a suit filed by a woman, whose annual income does not

exceed three thousand rupees, for maintenance or for enhancement of maintenance or for recovery of share in the estate of her deceased husband or parent in the family property and no petitions filed by any such woman for divorce on ground of cruelty or other misconduct on the part of her husband shall be chargeable with Court-fees.

(2) The Court in which such plaint or petition is filed shall have power to make such inquiry as it deems fit for assessing the income of the plaintiff or the petitioner, as the case may be".

Notes-This section deals with exemption from payment of Court-fee in respect of suits filed by a woman, whose annual income does not exceed Rs. 3,000, for maintenance or for enhancement of maintenance or for recovery of share in the estate of her deceased husband or parent in the family property and also in respect of petitions filed by such woman for divorce on the ground of cruelty or other misconduct on the part of her husband. The Court is empowered to make enquiry for assessing the income of the plaintiff or the petitioner.