

Tamil Nadu Court-Fees And Suits Valuation (Amendment) Act, 2003

17 of 2003

CONTENTS

1. Short Title And Commencement
2. Amendment Of Section 7
3. Amendment Of Section 25
4. Amendment Of Section 26
5. Amendment Of Section 27
6. Amendment Of Section 28
7. Amendment Of Section 29
8. Amendment Of Section 30
9. Amendment Of Section 31
10. Amendment Of Section 37
11. Amendment Of Section 39
12. Amendment Of Section 45
13. Amendment Of Section 47
14. Substitution Of Section 50
15. Amendment Of Sections 64, 65 And 81
16. Amendment To Schedule I
17. Substitution Of Schedule Ii
18. Repeal

Tamil Nadu Court-Fees And Suits Valuation (Amendment) Act, 2003

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An Act further to amend the Tamil Nadu Court-fees and Suits Valuation Act, 1955. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows :- Statement of Objects and Reasons² The Tamil Nadu Court-fees and Suits Valuation (Amendment) Ordinance, 2002 (Tamil Nadu Ordinance 4 of 2002) was promulgated so as to increase Court-fees at the rates recommended by the State Law Commission. As various Advocate Associations represented for re-consideration of the enhancement of the Court fees, the Government suspended the operation of the Tamil Nadu Court-Fees and Suits Valuation (Amendment) Ordinance, 2002 by another Ordinance, namely, the Tamil Nadu Court-fees and Suits Valuation

(Amendment) Suspension of Operation Ordinance, 2002 (Tamil Nadu Ordinance 7 of 2002). Subsequently, the said Ordinances were replaced by an Act. In effect the enhanced rate of Court-fees are not in force. 2. In G.O. Ms. No. 873, Home, dated 19-9-2002, the Government constituted a Committee to examine the question of revision of Court-fees. The Committee after considering various factors recommended new rates of Court-fees that may be levied under the Tamil Nadu Court-fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955). The Government have accepted the recommendations of the Committee and decided to amend the said Tamil Nadu Act XIV of 1955, suitably. 3. The Bill Seeks to give effect to the above decision. 1. Received the assent of the Governor on the 17th May, 2003 - Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Issue No.136, dated 19th May, 2003. 2. T.N. Bill No.26 of 2003.

1. Short Title And Commencement :-

(1) This Act may be called the Tamil Nadu Court-fees and Suits Valuation (Amendment) Act, 2003.

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

2. Amendment Of Section 7 :-

In Section 7 of the Tamil Nadu Court-fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) (hereinafter referred to as the principal Act), sub-section (3) shall be omitted.

3. Amendment Of Section 25 :-

In Section 25 of the Principal Act,-

(1) in clause (a), for the expression "rupees three hundred", the expression "rupees one thousand and five hundred" shall be substituted;

(2) in clause (b), for the expression "rupees three hundred", the expression "rupees one thousand" shall be substituted;

(3) in clause (c), for the expression "rupees five hundred", the expression "rupees two thousand" shall be substituted;

(4) in clause (d), for the expression "rupees four hundred", the expression "rupees one thousand" shall be substituted.

4. Amendment Of Section 26 :-

For Section 26 of the principal Act, the following Section shall be substituted, namely :-

"26. 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.-

(i) In a District Munsifs Court Rupees two hundred.

(ii) In the City Civil Court, Chennai or a Sub-Court or a District Court Rupees two hundred and fifty, if the market value of the property involved in or affected by the relief is rupees thirty thousand or less; rupees five hundred if it is above rupees thirty thousand but below rupees one lakh; and rupees seven hundred and fifty if it is above rupees one lakh.

(iii) In the High Court. Rupees one thousand."

5. Amendment Of Section 27 :-

In Section 27 of the principal Act,-

(1) in clause (a), for the expression "rupees three hundred", the expression "rupees seven hundred and fifty " shall be substituted;

(2) in clause (b), for the expression "rupees five hundred", the expression "rupees two thousand" shall be substituted;

(3) in clause (c), for the proviso "rupees four hundred", the expression "rupees one thousand" shall be substituted;

6. Amendment Of Section 28 :-

In Section 28 of the principal Act, for the expressions "rupees two hundred" and "rupees one thousand" the expressions "rupees one thousand" and "rupees five thousand" shall, respectively, be substituted.

7. Amendment Of Section 29 :-

In Section 29 of the principal Act,-

(1) for the expression "under Section 9 of the Specific Relief Act, 1877 (Central Act 1 of 1877)", the expression "under Section 6 of the Specific Relief Act, 1963 (Central Act 47 of 1963)" shall be substituted;

(2) for the expression "rupees two hundred", the expression "rupees eight hundred" shall be substituted.

8. Amendment Of Section 30 :-

In Section 30 of the principal Act, for the expression "rupees four

hundred", the expression "rupees one thousand" shall be substituted.

9. Amendment Of Section 31 :-

In Section 31 of the principal Act, for the expression "rupees three hundred", the expression "rupees one thousand" shall be substituted.

10. Amendment Of Section 37 :-

In Section 37 of the principal Act, or sub-section (2), the following sub-section shall be substituted, namely .-

"(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 :-

When the plaint is presented to-

(i) In a District Munsifs Court Rupees one hundred.

(ii) In the City Civil Court, Chennai or a District Court Rupees one hundred if the value of Sub-Court or a plaintiffs share is rupees thirty thousand or less; rupees five hundred if it is above rupees thirty thousand but below rupees one lakh; and rupees seven hundred and fifty if the value is rupees one lakh and above.

(iii) In the High Court. Rupees one thousand"

11. Amendment Of Section 39 :-

In Section 39 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :-

"(1) In a suit for the administration of an estate, fee shall be levied on the plaint at the following rates:-

(i) In a District Munsifs Court or the city Civil Court, Chennai or a Sub-Court or a District Court Rupees one hundred, if the value of the subject matter is rupees thirty thousand or less; rupees five hundred if it is above rupees thirty thousand but below rupees one lakh; and rupees seven hundred and fifty if it is rupees one lakh and above.

(ii) In the High Court. Rupees one thousand"

12. Amendment Of Section 45 :-

In Section 45 of the principal Act, for the expression "rupees three hundred", the expression "rupees one thousand" shall be

substituted.

13. Amendment Of Section 47 :-

In Section 47 of the principal Act, for the expression "fifty rupees", the expression "two hundred rupees" shall be substituted.

14. Substitution Of Section 50 :-

For Section 50 of the principal Act, the following Section shall be substituted, namely :-

"50. Suits not otherwise provided for.- In suits not otherwise provided for, fee shall be payable at the following rates :-

(i) In a Revenue Court Rupees fifty.

(ii) In a District Munsifs Court Rupees one hundred.

(iii) In the City Civil Court, Chennai or a Sub-Court or a District Court Rupees one hundred if the value of the subject matter is rupees thirty thousand or less; rupees five hundred if it is above rupees thirty thousand but below rupees one lakh; and rupees seven hundred and fifty if it is rupees one lakh and above

(iv) In the High Court. Rupees one thousand."

15. Amendment Of Sections 64, 65 And 81 :-

In Sections 64, 65 and 81 of the principal Act, for the expression "Board of Revenue" wherever it occurs, the expression "the Appropriate Authority specified in the Notification under sub-section (1) of Section 4 of the Tamil Nadu Board of revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980)" shall be substituted.

16. Amendment To Schedule I :-

In Schedule I to the principal Act, in Article 3, for the entry "(a) Petition under Section 53 or 54 of the Provincial Insolvency Act, 1920", in column (2) and the entries relating thereto in column (3), the following entries shall, respectively, be substituted, namely.-

"(a) Petition under Section 53 or 54 of the Provincial Insolvency Act, 1920, when filed

(i) a District Munsifs Court An amount of one-half 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.

(ii) the City Civil Court, Chennai or a Sub-Court or District Court An amount of one-half the scale of fee prescribed in article 1 of the market value of the subject-matter subject to a maximum fee of

rupees one thousand;

(iii) the High Court. An amount of one half the scale of fee prescribed in article 1 on the market value of the subject-matter subject to a maximum fee of rupees two thousand."

17. Substitution Of Schedule II :-

For Schedule II to the principal Act, the following Schedule shall be substituted, namely : -

"SCHEDULE II

| Article | Particulars | Proper fee |
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| (1) | (2) | (3) |
| 1 | (i) Petition in a suit under the Converts Marriage Dissolution Fifty rupees. Act, 1866 | Fifty rupees. |
| | (ii) Petition, plaint or memorandum of appeal when presented to a Court under the Dissolution of Muslim Marriage Act, 1939. | Fifty rupees. |
| | (iii) Petition under the Indian Divorce Act, 1869, excluding petitions under Section 44 of that Act, and every memorandum of appeal under Section 55 of that Act. | Fifty rupees. |
| | (iv) Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936 or a counter-claim made under Section 37 of that Act | Fifty rupees. |
| If, in a suit falling under any of these clauses, there is 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. | | |
| 2. | Undertaking under Section 49 of the Indian Divorce Act, 1869 | Ten rupees. |
| 3. | Memorandum of appeal from an order inclusive of an order determining any question under 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 other than the Government or the Appropriate Authority specified in the notification under sub-section (1) of Section 4 of the Tamil Nadu Board of Revenue Abolition Act, 1980 or Chief Executive Authority | Five rupees |
| | (ii) to the Government or the Appropriate Authority specified in the notification under sub-section (1) of Section 4 of the Tamil Nadu Board of Revenue Abolition Act, 1980 or Chief Executive Authority | Five rupees |
| | (iii) To the High Court — | |
| | A. from an order other than an order under the Tamil Nadu Agriculturists Relief Act, 1938— | |
| | (1) Where the order was passed by a Subordinate Court or other Authority— | |
| | (a) if the order relates to a suit or proceeding, the | Fifty rupees. |

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| | value of which exceeds five thousand rupees (b) in any other case | Twenty rupees |
| | (2) Where the appeal is under clause 15 of the Letters Patent — | |
| | (a) from an order passed in exercise of appellate jurisdiction | Twenty five rupees |
| | (b) from an order passed in exercise of original jurisdiction, which would be appealable under the Code of Civil Procedure, 1908, had it been passed by a Subordinate Court | Twenty five rupees |
| | (c) Memorandum of Writ Appeal | Two hundred rupees |
| | (d) in any other case | Two hundred rupees |
| | (3) Where the appeal is under Section 45-B of the Banking Regulation Act, 1949 | Five hundred rupees. |
| | B. From an order under the Tamil Nadu Agriculturists Relief Act, 1938. | Ten rupees |
| | (iv) to the Government in pursuance of a statutory right to appeal for which no Court fee is leviable under any other enactment. | |
| 4. | Memorandum of appeal under the Arbitration and Conciliation Act, 1996 | One per cent of the value for jurisdiction subject to a maximum of rupees five thousand |
| 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 Court or by the Presiding Officer of any Revenue Court or office or judicial or executive authority. | Ten rupees. |
| 6. | Copy or translation of a judgment or order of a Criminal Court | Five rupees |
| 7. | Copy of a decree or order having the force of a decree— | |
| | (a) When such decree or order made by any Court other than the High Court | Five rupees |
| | (b) When such decree or order is made by the High Court | Ten rupees. |
| 8. | Copy of any document liable to stamp duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn. | Five rupees. |
| 9. | Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act or copy of | |

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| | any account, statement, report or the like taken out of any Court or office of any public officer— For every document | |
| | | Five rupees. |
| 10. | (a) Application or petition presented to any officer of land revenue by any person holding temporarily settled and under direct engagement with Government and when the subject matter of the application or petition relates exclusively to such engagement. | Five rupees. |
| | (b) Application or petition presented to any officer of land revenue relating to the grant of land on darkhast. | Five rupees. |
| | (c) Application to a Collector or to any officer of the Public Works Department for lease of land for agricultural or non-agricultural purposes | Ten rupees. |
| | (d) Application or petition presented to any Executive Officer 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 | Five rupees. |
| | (e) Application or petition presented to any board or Executive Officer for a copy of translation of any order passed by such Board or Officer or of any other document on record in such office. | Five 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.15,000 or less; | Fifty rupees. |
| | (ii) if such value exceeds Rs. 15,000 for every Rs. 5,000 or part thereof in excess of Rs. 15,000. | Ten rupees. |
| | (g) Application for attestation of private documents intended to be used outside India. | Five 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.500 | Five rupees |
| | (ii) When it exceeds Rs.500 but does not exceed Rs.5,000 | Ten rupees. |
| | (iii) When it exceeds Rs.5,000 | Twenty 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. | Five rupees. |
| | (ii) In other cases | Ten rupees. |
| | (J) Application or petition presented to the Government Five rupees, or the Appropriate Authority specified in the Notification under subsection (1) of Section 4 of the Tamil Nadu | Five rupees. |

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| | Board of Revenue Abolition Act, 1980 or Chief Executive Authority and not otherwise provided for. | |
| | (k) Application or petition not falling under clause (i) or (j) and presented to a public officer or in a public office and not otherwise provided for. | Five rupees. |
| 11. | (a) Application or petition presented to any Court for copy or translation of any judgment, decree or any proceeding or order passed by such Court or of any other document on record in such Court. | One rupee. |
| | (b) Application or petition presented to any Civil Court Two rupees, other than a Principal Civil Court of Original Jurisdiction or to any Court of Small Causes constituted under the Provincial Small Cause Courts Act, 1887 or to a Collector | Two rupees. |
| | (b) Application or petition presented to any Civil Court Two rupees, other than a Principal Civil Court of Original Jurisdiction or to any Court of Small Causes constituted under the Provincial Small Cause Courts Act, 1887 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 Rs. 500 or for appointment of receiver. | Two rupees. |
| | (c) Application to any Court that records may be called from another Court, when the Court grants the application and is of opinion that transmission of such records involves the use of the post. | Two rupees. |
| | (d) Application for permission to deposit revenue or Two rupees, rent either in the office of the Collector or in the Court. | Two rupees. |
| | (e) Application or petition presented to a Court for determination of the amount of compensation to be paid by a landlord to his tenant. | Five rupees |
| | (f) A written complaint or charge of any offence presented to any Criminal Court and an oral complaint of any such offence reduced to writing under the Code of Criminal Procedure, 1973. | Five rupees. |
| | (g) Application or petition presented to any Court, or to any Magistrate in his executive capacity | Two rupees. |
| | and not otherwise provided for in this Act. | |
| | (h) Application for arrest or attachment before judgment or for temporary injunction— | |
| | (i) when presented to a Civil Court or Revenue Court, other than the High Court or in relation to any suit or proceeding— | |
| | (1) If the value of the subject-matter is less than Rs.30,000 | Five rupees. |
| | (2) If such value is Rs.30,000 or above | Ten rupees. |
| | (ii) When presented to the Court | Twenty rupees. |
| | (i) Application or petition under Section 47 and order XXI, Rules 58 and 90 of the Code of Civil Procedure, 1908— | |

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| | (i) When filed in any Court other than High Court | Five rupees. |
| | (ii) When filed in the High Court | Twenty rupees. |
| | (j) Application or petition under Sections 34, 72, 73 and 74 of the Indian Trusts Act, 1882. | Twenty five rupees. |
| | (k) (i) Application for probate or letters of administration to have effect throughout India | One hundred rupees. |
| | (ii) Application for probate or letters of administration not falling under clause (i) — | |
| | (3) If such value exceeds Rs.1,00000 | Fifty 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 1 of Schedule I on the market value of the estate less the fee already paid on the application shall be levied. | |
| | (l) Original petitions not otherwise provided for when filed in— | |
| | (i) A District Munsifs Court | |
| | (1) Under the Tamil Nadu Village Courts Act, 1888 | Five rupees. |
| | (2) In other cases | Ten rupees |
| | (ii) The City Civil Court, Chennai a Sub-Court or a District Court; | Twenty five rupees. |
| | (iii) the High Court | Fifty rupees |
| | (m) Application under the Arbitration and Conciliation Act, 1996. | One per cent of the value of the subject matter, subject to a maximum of rupees five thousand. |
| | (n) Application to the High Court under Section 96 of the Code of Criminal Procedure | One hundred rupees. |
| | (o) Revision petition presented to the High Court under Section 115 of the Code of Civil Procedure, 1908, or under Section 25 of the Provincial Small Cause Courts Act, 1887 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 does not exceed Rs.30,000 | Fifty rupees. |
| | (ii) If such value exceeds Rs.30,000 but does not exceed Rs.3,00,000 | One hundred rupees. |
| | (iii) If such value exceeds Rs.3,00,000 | Two hundred rupees. |
| | (p) Revision petition presented to a District Court (i) Under Section 25 of the Provincial Small Cause Courts Act, 1887 | Twenty five rupees. |
| | (ii) In other cases | Fifty rupees. |

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| | (q) Petition under Sections 391, 439 and 522 of the Companies Act, 1956, in connection with the winding up of a company. | One thousand rupees. |
| | (r) Petition to 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. | Two hundred rupees. |
| | (s) Application or petition presented to the High Court and not otherwise specifically provided for. | Ten rupees. |
| | (t) Election petition questioning the election of a person in respect of — | |
| | (i) The office of member of a Panchayat; | Fifty rupees. |
| | (ii) The office of President or Vice-President of a Panchayat | One hundred rupees. |
| | (iii) the office of a member of the Municipal Corporation constituted under any law for the time being in force or of a member of a Municipal Council or a Panchayat Union Council; | One hundred rupees. |
| | (iv) the office of Mayor or Deputy Mayor of the Municipal Corporation constituted under any law for the time being in force or of Chairman or Vice-Chairman of a Municipal Council or a Panchayat Union Council. | Five hundred rupees. |
| 12. | Application for leave to sue as an indigent person | Five rupees. |
| 13. | Application for leave to appeal as an indigent person | Five rupees. |
| 14. | (i) Bail bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any Section of the Code of Criminal Procedure, 1973, or the Code of Civil Procedure, 1908 and not otherwise provided for in this Act; | Five rupees. |
| | (ii) Other interlocutory applications under other instruments of obligations given in pursuance of an order made by a Court under any Section of Code of Criminal Procedure, 1973 | Two rupees. |
| 15. | Every copy of power of attorney when filed in any suit or proceeding. | Five rupees. |
| 16. | Mukhtarnama. Vakalatnama or any paper signed by an advocate signifying or intimating that he is retained for a party, when presented to,— | |
| | (i) any Court other than the High Court, to any Collector or Magistrate or other executive Officer; | Five rupees. |
| | (ii) the Appropriate Authority specified in the Notification under sub-section (1) of Section 4 of the Tamil Nadu Board of Revenue Abolition Act, 1980 or a Chief Executive Authority; | Five rupees. |
| | (iii) The High Court | Ten rupees. |
| | (iv) The Government | Ten rupees. |
| 17., | Agreement in writing stating a question for the | |

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| | opinion of the Court under the Code of Civil Procedure, 1908 — | |
| | (a) when presented to a District Munsifs Court or the City Civil Court of Chennai or Sub-Court,— | |
| | (i) Where the value of the subject-mater does not exceed Rs.30,000; | Fifty rupees. |
| | (ii) Where the value of the subject-mater exceeds Rs.30,000 | One hundred rupees. |
| | (b) In other Courts | Two hundred rupees. |
| 18. | Caveat — | |
| | (i) In the High Court; | Twenty rupees. |
| | (ii) In other Courts; | Ten rupees. |
| 19. | For each memorandum of appearance in Criminal Courts— | |
| | (i) When filed in any Court other than the Sessions Court and the High Court; | Two rupees. |
| | (ii) When filed in a Sessions Court; | Three rupees. |
| | (iii) When filed in the High Court; | Five rupees. |
| 20. | For any complaint under Section 138 of the Negotiable Instruments Act, 1881. | Twenty five rupees for every rupees fifty thousand subject to a maximum of one thousand rupees |

18. Repeal :-

The Tamil Nadu Court-fees and Suits Valuation (Amendment) Act, 1982 (Tamil Nadu Act 1 of 1985) is hereby repealed.