

(1878) 04 AHC CK 0007

Allahabad High Court

Case No: None

Bhop Singh and
Others

APPELLANT

Vs

Debi Singh

RESPONDENT

Date of Decision: April 24, 1878

Citation: (1875) ILR (All) 709

Hon'ble Judges: Robert Stuart, C.J; Pearson, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Pearson, J.

After disposing of the other pleas in appeal, continued:--The pleader's fee clearly should not be reckoned upon a valuation of the properties which is found to be false. Whether it should be calculated on Rs. 2,300, the real value as found in the decision, or Rs. 1,370-5-0, the amount on which the Court-fee on the plaint was paid, may be a question. The latest opinion seems to be in favour of the former mode of calculation, which should therefore be adopted in substitution for that which has been adopted in the Court below. With this slight modification, I would affirm the lower Court's decree and dismiss the appeal with costs.

Robert Stuart, C.J.

2. I entirely approve of the view taken of this case by my colleague, Mr. Justice Pearson, and I quite agree with him as to the principle on which the pleader's fee should be calculated. The appeal is dismissed with costs. *

*Under the rules framed by the High Court u/s 37 of Act XX of 18C5, in suits for moveable and Immovable property, where the amount or value of the claim does not exceed Rs. 5,000, five per cent is the largest amount payable by any party in respect of the fees of his adversary's pleader. After Rs. 5,000 and up to Rs. 20,000, two per cent. is payable, vide C.O., dated the 23rd April 1860.