

**(1993) 09 GAU CK 0015****Gauhati High Court****Case No:** F.A. No. 145 of 1993

Smti. Ralmanthangi (L)

APPELLANT

Vs

Managing Director, Zoram  
Industrial Development  
Corporation Ltd.

RESPONDENT

**Date of Decision:** Sept. 3, 1993**Acts Referred:**

- Court Fees Rules - Rule 16

**Citation:** (1994) 1 GLR 43**Hon'ble Judges:** U.L. Bhatt, C.J; R.K. Manisana Singh, J**Bench:** Division Bench**Advocate:** P. Pathak and R. Barua, for the Appellant; B.K Goswami and B.M. Sarma, for the Respondent**Judgement**

@JUDGMENTTAG-ORDER

U.L. Bhat, C.J.

This appeal is filed by the Defendant against the decree passed by the Additional Deputy Commissioner, Aizawl in an application (suit) filed by the Plaintiff seeking recovery of money from the Defendant. No court fee is paid on the memorandum of appeal. Registry has raised an objection to the effect that court fee is payable.

2. There is no dispute that the Court Fees Act, 1870 applies to the State of Mizoram. That being so court fee payable on the memorandum of appeal must be paid as indicated in Schedule - I of the Act. Learned Counsel for the Appellant has placed reliance on Rule - 16 of the "Rules for regulation of the Procedure of Officers appointed to administer justice in the Lushai Hills".

Part-V of the Rules deals with Civil Justice. The administration of civil justice in the Lushai Hills is entrusted to the Deputy Commissioner and his Assistants. Rule 16

reads as under:

16. No stamp shall be required in any suits brought by house tax paying natives of the Lushai Hills district before the Deputy Commissioner or any of his Assistants, and the parties, if house tax paying natives of the Lushai Hills district, shall be put to no cost further than their own actual expenses. All parties other than house tax paying natives of the Lushai Hills district shall pay fees according to the scales fixed in the Court-fees Act of 1870. No pleaders or mukhtars are to be allowed in any manner between villager and villager and in all cases where the chiefs are personally concerned, they are, as far as possible, to be personally dealt with. Agents are only to be allowed when the personal presence of the chiefs is inconvenient or impracticable. But chiefs should not be called for appeals of no great importance when a proper record of the chief's orders with reason is before the appellate court.

3. Rule 16 makes it clear that no court fee stamp is required in any suit before the Deputy Commissioner or his Assistants provided that the Plaintiff is house tax paying natives of Mizoram. The rule covers only proceedings before the Deputy Commissioner and his Assistants. It does not purport to govern appeals filed before the Deputy Commissioner against the Judgments or orders of his Assistants or appeals filed before the High Court against the Judgments and orders of the Deputy Commissioner or Additional Deputy Commissioner. Therefore, the law governing the Court Fees payable on the memorandum of appeal is to be looked for not under the Rules but under the Court Fees Act, 1870, We have already indicated that under the Act the Appellant is liable to pay court fee.

Appellant shall pay court fee within two months. Post the matter thereafter.