

THE [KHYBER PAKHTUNKHWA]
COURT FEES (ABOLITION) ORDINANCE, 1978.

*[KHYBER PAKHTUNKHWA] ORDINANCE NO. XIV 1978.

[26" August, 1978.]

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'Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

THE [KHYBER PAKHTUNKHWA]
COURT FEES (ABOLITION) ORDINANCE, 1978.

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AN
ORDINANCE

to provide for the abolition of court fee in respect of certain cases.

WHEREAS it is expedient to provide for the abolition of court fee in respect of certain cases;

AND WHEREAS the Governor of the *[Khyber Pakhtunkhwa] is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.I.M. L. A. Order No. I of 1977), and in exercise of all powers enabling him in that behalf, the Governor of the "[Khyber Pakhtunkhwa]" is pleased to make and promulgate the following Ordinance;

1. (1) This Ordinance may be called the *[Khyber Pakhtunkhwa] Court Fees (Abolition) Ordinance, 1978.

(2) It extends to the whole of the province of the *[Khyber Pakhtunkhwa].

(3) It shall come into force at once, and be deemed to have taken effect on and from 1st August, 1978.

2. "[Notwithstanding anything contained in the Court Fees Act, 1870 (VII of 1870), no court fee shall, except as provided in section 2A, be payable in—

(a) any criminal case; and

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7Substituted vide Khyber Pakhtunkhwa Ord, No. XVII of 1980, S.2.

Preamble.

Short title,
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Abolition of
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certain cases.

(b) any case of civil nature the value of the subject matter whereof, or relief claimed wherein, does not exceed twenty-five thousand rupees.]

'12- A. Payment of court fees at punitive rate.—If in a case of civil nature falling under clause (b) of section 2, the Court is of opinion that the claim or any part of it was false and either frivolous or vexatious the Court shall by order in writing, if the party by whom the claim was preferred is present, call upon him forthwith to show cause why he should not pay court fee on the entire claim or, as the case may be, part thereof at double the rate which would, but for section 2, have been leviable in such a case under the Court Fees Act, 1870 (VII of 1870,) or, if such party as is not present, direct issue of a summons to him to appear and show cause as aforesaid.

(2) The Court shall record and consider any cause which such party may show and if the Court is satisfied that the claim was false and either frivolous or vexatious shall, for reasons to be recorded, direct that the court fees on the entire claim or, as the case may be, part thereof, at the rate specified in sub-section (1) above, shall be paid by such party.

(3) The order for payment of court fee as aforesaid shall be in addition to and not in derogation of any other order which the Court may deem fit to make in the circumstances of the case.

(4) A copy of the order made under sub-section (2) shall be sent by the Court to the Collector of the District in which the party against whom order is made resides or ordinarily works for gain, and the Collector shall direct the party concerned to pay the court fee within one month of the making of the order by him, failing which, the Collector shall proceed to recover the court fee as arrears of land revenue.]

3. If any court fee has been paid after 31st July, 1978, by any person in respect of any case specified in section 2, the same shall, on application by any such person to the Deputy Commissioner of the District concerned, be refunded to him.

¹Inserted vide Khyber Pakhtunkhwa Ord, No. XVII of 1980, S.3.

Refund of court
fee.

