

THE COURT-FEES ACT, 1870.

(Act No. VII of 1870)

CONTENTS

CHAPTER 1

Preliminary

SECTIONS

1. Short title. Extent of Act, Commencement of Act.

1A. Definition of "Appropriate Government".

2. [[Repealed]].

CHAPTER II

FEES IN THE HIGH COURTS

3. Levy of fees in High Courts on _ their original sides.

Levy of fees in Presidency Small Cause Courts (Repealed).

4. Fees on documents filed, etc., in High Courts in their extraordinary jurisdiction; in their appellate jurisdiction ;as Courts of reference and revision.

5. Procedure in case of difference as to necessity or amount of fee.

CHAPTER III

FEES IN OTHER COURTS AND IN PUBLIC OFFICES

6. Fees on documents filed, etc. in Mufassal Court or in Public Offices.

7. Computation of fees payable in certain suits:

i. for money;

ii. for maintenance and annuities;

ii. for other movable property having a market-value;

1, Repealed vide A.O 1937.

16.
17.
18.

iv. (a) for movable property of no market-value;
(b) to enforce a right to share in joint family property;
(c) for a declaratory decree and consequential relief;
(d) for an injunction;
(e) for easements;
(f) for accounts;

v. for possession of lands, houses and gardens; proviso as to Bombay
Presidency; (Repealed).
for houses and gardens;

vi. to enforce a right of pre-emption;

vii. for interest of assignee of land-revenue;

viii. to set aside an attachment;

ix. to redeem; to foreclose;

x. for specific performance;

xi. Between landlord and tenant.

Fee on memorandum of appeal against order relating to compensation.

Power to ascertain net profits or market-value.

Procedure where net profits or market-value wrongly estimated.

Procedure in suits for mesne profits or account when amount decreed
exceeds amount claimed.

Decision of question as to valuation.

Refund of fee paid on memorandum of appeal.

Refund of fee on application for review of judgment.

Refund where Court reverses or modifies its former decision on ground of
mistake.

' [Repealed].

Multifarious suits.

Written examinations of complainants.

Repealed vide Act No.V of 1908.

19A.
19B.
19C.
19D.
19E.

19F.

19G.

19H.

19I.

19J.

19K.

20.
21.
22.

23,

Exemption of certain documents.

CHAPTER III A
PROBATES, LETTERS OF ADMINISTRATION AND
CERTIFICATES OF ADMINISTRATION

Relief where too high a court-fee has been paid.

Relief where debts due from a deceased person have been paid out of his estate.

Relief in case of several grants.

Probates declared valid as to trust-property though not covered by court-fee.

Provision for case where too low a court-fee has been paid on probates, etc.

Administrator to give proper security before letters stamped under section 19E.

Executors, etc., not paying full court-fee on probates, etc., within six months after discovery of under-payment.

Notice of application for probate or letters of administration to be given to

Revenue-authorities, and procedure thereon.

Payment of court-fees in respect of probates and letters of administration.

Recovery of penalties, etc.

Sections 6 and 28 not to apply to probates or letters of administration.

CHAPTER IV
PROCESS-FEES

Rules as to Cost of processes. Confirmation and publication of rules.

Tables of process-fees.

Number of peons in District and Subordinate Courts.

Number of peons in Mufassal Small Cause Courts.

[TRepealed].

1, Repealed vide the Punjab Act No.XVII of 1887.

24.

25.

26.

27.

28.

29.

30.

31.

32.

33,

34,

35.

'TRepealed].

CHAPTER V

OF THE MODE OF LEVYING FEES

Collection of fees by Stamps.

Stamps to be impressed or adhesive.

Rules for supply, number, renewal and keeping accounts of stamps.

Stamping documents inadvertently received.

Amended document.

Cancellation of stamp.

CHAPTER VI

MISCELLANEOUS

*[Repealed]

3[Repealed]

Admission in criminal cases of documents for which proper fees has not been paid.

Sale of stamps.

Power to reduce or remit fees.

35.A Variation of rate.

36.

Saving of fees to certain officers of High Courts.

Repealed vide Act No.XII of 1891.

Repealed vide Act No.XVIII of 1991.

Repealed vide Act No.XII of 1891.

SCHEDULE

1.4D VALOREM FEES TABLE OF RATES OF AD VALOREM FEESLEVIABLE
ON THE INSTITUTION OF SUITS.
ILFIXED FEES.

I.FORM OF VALUATION.

ANNEXURE A.—VALUATION OF THE MOVABLE AND IMMOVABLE
PROPERTY OF DECEASED.

ANNEXURE B—SCHEDEULE OF DEBTS, ETC.

THE COURT FEES ACT. 1870

[Act VII of 1870]
[11th March, 1870]

CHAPTER—I
PRELIMINARY

1. This Act may be called the Court Fees Act 1870.

It extend to [the whole of Pakistan]

And it shall come into force on the first day of April, 1870.

*[1-A. In this act "the Appropriate Government" means, in relation to fees of stamps relating to documents presented or to be presented before any officer serving under the *[Federal Government, that Government, and in relation to any other fees or stamps, the Provincial Government].

2. "[* xe]

Substituted vide Ordinance No.XXI of 1960.

Inserted vide A.O, 1937.

Substituted vide Khyber Pakhtunkhwa A.L.O, 1975.

Repealed vide A.O, 1937.

Short title

Extend of Act

Commencement
of Act.

Definition of
Appropriate
Government.

CHAPTER—II

FEES IN THE HIGH COURTS "| * * *]

3. The Fees payable for the time being to the clerks and officers (other than the sheriffs and attorneys) of the *THigh Courts];

or chargeable in each of such Courts under No. II of the first, and Nos. 7, 12, 14,

3[* * *], 20 and 21 of the second schedule to this Act annexed;

4

[Re RR *]

shall be collected in manner hereinafter appearing.

4. No document of any of the kinds specified in the first or second schedule to this Act annexed, as chargeable with fees, shall be filed, exhibited or recorded in, or shall be received or furnished by, any of the [* * *) High Courts in any case coming before such Court in the exercise of its extraordinary original civil

jurisdiction:

or in the exercise of its extraordinary original criminal jurisdiction;

or in the exercise of its jurisdiction as regards appeals from the® [judgments] (other than judgments passed in the exercise of the ordinary original Civil jurisdiction of the Court) of one or more Judges of the said

Court, or of a division Court;

or in the exercise of its jurisdiction as regards appeals from

the Court subject to its superintendence;

Omitted vide Ordinance No.XXI of 1960.

Substituted vide Ordinance No.XXI of 1960.

Repealed vide Act No.XXI of 1891.

Repealed vide A.O, 1949.

Repealed vide Ordinance No.XXI of 1960.

Submitted vide Act No.XIX of 1922.

Levy of fees in
High Courts on
their _ original
sides.

Fees on
documents
filed, etc, in
High Courts in
their
extraordinary
jurisdiction,

In their
appellate

Jurisdiction,

As Courts of
reference and
revision.

or in the exercise of its jurisdiction as a Court of reference or revision:

unless in respect of such document there be paid a fee on an amount not less than that indicated by either of the said schedules as the proper fee for such document.

5. When any difference arises between the officer whose duty it is to see that any fee is paid under this Chapter and any suitor or attorney, as to the necessity of paying a fee or the amounts thereof, the question shall, when the difference arises in any of the ha * *] High Courts, be referred to the taxing-officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer to the final decision of the Chief Justice of such High Court, or on such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

The Chief Justice -shall declare who shall be taxing-officer within the meaning of the first paragraph of this section.

CHAPTER— III

FEES IN OTHER COURTS AND IN PUBLIC OFFICES.

6. Except in the Courts hereinbefore mentioned, no document of any of the kinds specified as chargeable in the first or second schedule to this Act annexed shall be filed, exhibited or recorded in any Court of Justice , or shall be received or furnished by any public officer, unless in respect of such document there be

paid a fee of an amount not less than that indicated by either of the said schedule

- Omitted vide Ordinance No.XXI of 1960.

2 Omitted Vide Ordinance No.XXI of 1960

Procedure in

cases of
difference as to
necessity or

amount of fee.

Fees on
documents filed
etc, in
Musfassal

Courts or in
public offices.

as the proper fee for such document.

7. The amount of fee payable under this Act in the suits next hereinafter

mentioned shall be computed as follows :—

TG) In suit for money (including suits for damages or Compensation other than the suit for damages or compensation claimed under the Fatal Accidents Act, 1855 (XIII of 1855), or arrears of maintenance of annuities, or of other sums

payable (periodically) according to the value claimed").....

7. (ii) In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one

year;

iii) In suits for movable property other than money, where the subject matter

has a market —value- according to such value at the date of presenting the plaint;

(iv) In suits-

(a) for movable property where the subject-matter has no market-value, as,

for instance, in the case of documents relating to title,

(b) to enforce the right to share in any property on the ground that it is joint

1, Submitted vide Khyber Pakhtunkhwa Ordinance No.IV of 1982.

Computation of
fee payable in
certain suits, for
money;

For
maintenance
And annuities;

For movable
property having
a market value;

For movable
property of no
market value.

To enforce a
right to share in
joint family

family property,

- (c) to obtain a declaratory decree or order, where consequential relief is prayed,
- (d) to obtain an injunction,
- (e) for a right to some benefit (not herein otherwise provided for) to arise out of land, and
- (f) for accounts-

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal:

In all such suits the plaintiff shall state the amount at which he values the relief sought [* * *]

- (v) In suits for the possession of land, houses and gardens—

according to the value of the subject-matter; and such value shall be

1 Repealed vide Act No.12 of 1891.

10

property.

For a declaratory
Decree and con-
sequential relief

For an
injunction

For easements;

For accounts;

For possession
of lands, houses
and gardens;

deemed to be—

(a)

(b)

(d)

Where the subject-matter is land, and—

Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such an estate and is recorded in the Collector's register as separately assessed with such revenue, and such revenue is permanently settled—ten times the revenue so payable.

Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms parts of such estate and is recorded as aforesaid;

and such revenue is settled, but not permanently—five times the revenue so payable

Where the land pays no such revenue, or has been partially exempted from such payment, or is charged with any fixed payment in lieu of such revenue,

and net profits have arisen from the land during their next before the date of presenting the plaint—

fifteen times, such net profits;
but where no such net profits have arisen therefrom—

the amount at which the Court shall estimate the land with reference to the value of similar land in the neighborhood:

Where the land forms part of an estate paying revenue to Government, but is not a definite share of such estate and is not separately assessed as

above mentioned—the market-value of the land;

(Proviso as to Bombay Presidency) Omitted by A. O., 1949, Schedule.

Explanation.—The word "estate" as used in this paragraph means any land subject to the payment of revenue, for which the proprietor or former or raiyat shall have executed a separate engagement to Government, or which, in the absence of such engagement, shall have been separately assessed with revenue;

(e) where the subject matter is a house or garden—

according to the market-value of the house or garden:

(vi) In suit to enforce a right of pre-emption—according to the value (computed in accordance with paragraph V of this section) of the land, house or

garden in respect -of which the right is claimed

(vii) In suit to enforce a right of pre-emption—according to the value (computed in accordance with paragraph V of this section) of the land, house or

garden in respect -of which the right is claimed

(viii) In suits to set aside an attachment of land or of an interest in land or

revenue—according to the amount for which the land or interest was attached:

Provided that where such amount exceeds the value of the land or

interest, the amount of fee shall be computed as if the suit were for the

possession of such land or interest.

(ix) In suits against a mortgagee for the recovery of the property mortgaged,

and in suits by a mortgagee to foreclose the mortgage,

or, where the mortgage is made by conditional sale, to have the sale declared absolute—

according to the principal money expressed_ to be secured by the instrument of

mortgage.

(x) In suits for specific performance—

12

For houses and gardens

To enforce a right of Pre-emption;

For interest of assignee of land revenue;

To set aside an attachment;

To redeem;

To foreclose;

For specific

performance;

(a)
(b)
(c)

(d)

(xi)

(a)
(b)
(o)

(a)
(e)

)

of a contract of sale—according to the amount of the consideration;

of contract of mortgage—according to the amount agreed to be secured;

of a contract of lease—according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term;

of an award—according to the amount of value of the property in dispute:

In the following suits between landlord and tenant:—

for the delivery by a tenant of the counterpart of a lease,

to enhance the rent of a tenant having a right of occupancy,

for the delivery by a landlord of a lease,

Te cc] for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy,]

to contest a notice of ejectment,

to recover the occupancy of *Timmovable property] from which a tenant has been illegally ejected by the landlord, and

for abatement of rent—

according to the amount of the rent of the *[immovable property] to which the suit refers payable for the year next before the date of presenting the plaint.

“(xii) In suits not expressly provided for in this section, according to the value claimed, but such value shall not be less than a value which would attract a Court-fee of less than fifteen rupees].

8.

The amount of fee payable under this Act on a memorandum of appeal
against an order relating to compensation under any (Act for the time being in
force for the *[Acquisition] of land for public purposes shall be computed
according to the difference between the profits amount awarded and the amount

Inserted vide Act No.1905.

Submitted vide Act ibid.

Submitted vide Act ibid.

Added vide Ordinance No.LII of 1962.

See now the Land Acquisition Act, 1894 (I of 1894).

13

For specific
performance;

Fee on
memorandum of
appeal against
order relating

to Compensation.

claimed by the appellant.

9. If the Court sees reason to think that the annual net profits or the market-value of any such land, house or garden as is mentioned in section 7,

paragraphs (5 and 6), have or has been wrongly estimated, the Court may, for the purpose of computing the fee payable in any suit therein mentioned, issue a commission to any proper person directing him to make such local or other

investigation as may be necessary, and to report thereon to the Court.

10. (If in the result of any such investigation the Court finds that the net profits or market-value have or has been wrongly estimated, the Court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee: but, if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee as would have been payable had the said market-value or net profits been rightly estimated.

(ii) In such case the suit shall be stayed until the additional fee is paid. If the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed.

[°][11] In suits for manse profits or for immovable property and manse profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the

plaintiff valued the relief sought, the decree shall not be executed

i Repealed vide Act No.XII of 1891.

Section II was renumbered as sub-section (1) of that Section by the Ordinance, No.LII of 1962.

14

Power of
ascertain net
profits or market-
value.

Procedure
where net
profits or
market-value
wrongly
estimated.

Procedure in
suits for mesne
profits or
account when
amount decreed
exceeds amount
claimed.

until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the

profits or amount so decreed shall have been paid to the proper officer,

Where the amount of manse profits is left to be ascertained in the course of the execution of the decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid. If the additional fee

is not paid within such time as the Court shall fix, the suit shall be dismissed.

(2) Where in any such suit as is referred to in sub-section (1) the Court-fee paid is found to be in excess of the amount of fee which would be payable if the suit had been valued at the amount decreed, the decree holder shall be entitled to the refund of the excess of Court fee paid by him].

12. (i) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties

to the suit.

(ii) But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party by whom such fee had been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of section 10, paragraph

(ii), shall apply.

1 Add. Ibid.

15

Refund where
amount decreed
is less than

Amount
claimed.
Decision of
question as to
valuation.

13. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds in the [Code of Civil Procedure, 1908] (Act No. V of 1908) is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in “[rule 23 of order XLI of the first schedule to the said code] for a second decision by the lower Court, the Appellate Court shall grant to the appellant a Certificate, authorizing him to receive back from the Collector the

full amount of fee paid on the memorandum of appeal:

Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter

in respect whereof the suit has been remanded.

14. Where an *[application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorizing him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been

presented before such day.

15. Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the

Court authorizing him to receive back from the Collector so much of the fee paid

1 Submitted vide Ordinance No.XXVII of 1981.

2 Submitted vide Ordinance No.XXVII of 1981.

3, Submitted vide Act No.XX of 1870.

16

Refund of fee
paid on
memorandum of
appeal.

Refund of fee
on application
for review of
Judgment

Refund where
Court reverses
or

Modifies its
former decision
On ground of
Mistake.

on the '[application] as exceeds the fee payable on any other application to such

Court under the second schedule to this Act, No. 1 clause (b) or clause (d).

But nothing in the former part of this section, shall entitle this applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh

evidence which might have been produced at the original hearing.

16. 2 pee]

17. Where a suit embraces two or more distinct subjects, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately

each of such subjects would be liable under this Act.

Nothing in the former part of this section shall be deemed to affect the power conferred by the *[Code of Civil Procedure], 1908 (Act V of 1908), section 9.

18. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police-officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the "[Code of Criminal Procedure, 1898] (Act V of 1898} the complainant shall pay a fee of eight cannas] unless the Court think fit to remit such payment.

i Submitted vide Act No.XX of 1870.

Repealed vide Act.No. V of 1908.

Substituted vide Ordinance No.XXVII of 1981.

' Substituted vide Ordinance No.XXVII of 1981.

17

Multifarious
suits.

Written
examination of
complainants,

19. Nothing contained in this Act shall render the following documents

chargeable with any fee:—

(i)
(ii)
(iii)
(iv)
(v)
(vi)
(vii)
(viii)

(ix)

(x)

(xi)
(xii)

(xiii)

(xiv)

(xv)

Power-of-attorney to institute or defend a suit when executed by an officer, warrant-officer, non-commissioned officer or private of '[the Pakistan Army] not in civil employment.

Rep. by the Amending Act, 1891 (XII of 1891)].

Written statements called for by the Court after the first hearing of a suit.

Rep, by the Cantonments Act, 1889 (Ji7//0/1889)1. (v) [Rep. by A. O., 1949, Sch].

Rep. *ibid*].

Rep. *ibid*].

Rep. *ibid*].

Rep. *ibid*].

Probate of a will, letters of administration, *Tland save as regards debts and securities, a certificate under *[Sind Regulation VIII of 1827] where the amount or value of the property in respect of which the probate or letter, or certificate shall be granted does not exceed one thousand rupees.

Application or petition to a Collector or other officer making a settlement of land-revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land or the ascertainment of right thereto or

interests therein, if presented previous to the final confirmation of such settlement.

Application relating to a supply for Irrigation of water belonging to Government.

Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.

Application for service of notice of relinquishment of land or of enhancement of rent.

Written authority to an agent to distain.

First application (other than a petition containing criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document or in respect of the production or filing of an exhibit

Submitted vide A.O 1961.

Submitted vide Act No. VII of 1889.

Submitted by Ord.No.XXVII of 1981.

18

Multifarious
suits.

(xvi)

(xvii)

(xviii)

(xix)

(xx)

(xxi)

(xxii)

(xxiii)

(xxiv)

(xxv)

not being an affidavit made for the immediate purpose of being produced in Court.

Bail-bonds in criminal cases, recognizance's to prosecute or give evidence for personal appearance or otherwise.

[Omitted by A. O., 1949, Sch.]

Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

Complaint of a public servant (as defined in the Pakistan Penal Code), a municipal officer, or an officer or servant of a Railway Company.

Application for permission to cut timber in Government forests, or, otherwise relating to such forests.

Application for the payment of money due by Government to the applicant.

Petition of appeal 7[] against any municipal tax.

Application for compensation under any law for the time being in force relating to the *[Acquisition of property for public purposes].

"[Omitted by A. O. , 1949, Schedule].

*[Petition under the Christian Marriage Act, 1872, sections 45 and 46].

Omitted by Ord. No.XXVII of 1981.

Omitted by Ord. No.XXVII of 1981.

See now the Land Acquisition Act, 1894 (I of 1894).

Omitted by Ord. No.XXVII of 1981.

Submitted vide Act No.XV of 1872.

Act XLV

1860.

XV of 1872

of

19-A. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue-Authority *Tfor the local area] in which the

probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,
the said Authority may—

(a) cancel the stamp on the probate or letters if such stamp has not been already cancelled;

(b) substitute another stamp for denoting the court-fee which should have been paid thereon; and

(c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

19-B. Whenever it is proved to the satisfaction of such Authority that an

1 Inserted vide Act No.XIII of 1875.

2, Submitted vide Act No.X of 1901.

20

Relief — where

too high a
Court-fee has
been paid,

Relief | Where
debt due from a
deceased person

executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it has been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been

actually paid thereon under this Act.,

such Authority may return difference, provided the same be claimed within three years after the date of probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the

circumstances.

19-C. Whenever '[* * *] a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same

estate.

1, Repealed vide Act No.XII of 1891.

21

have been paid
out of his estate.

Relief in case of
several grants.

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

19-D. The probate of the will or the letters of administration of the effects of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any moveable or immovable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on

such probate or letters of administration.

19-E. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a court-fee thereon, the Chief Controlling Revenue-Authority [for the local area] in which the probate or letters has or have been granted may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of grant, of five times, or if, it or they is or are produced after one year from such date, of twenty times, such proper

court fee, without any deduction of the court-fee originally paid on such

1 Substituted vide Act No.X of 1901.

22

Probate
declared valid
as to trust
property though
not covered by
court-fee.

Provision for
Case where too
Low a Court-fee
has been paid
on probates,
etc..

probate or letters:

Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper court-fee, the said Authority may remit the said penalty and cause the probate or letters to be duly stamped on payment only of the sum wanting

to make up the fee which should have been at first paid thereon.

19-F. In case of letters of administration on which too low a court-fee has been paid at first the said Authority shall not cause the same to be duly stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value

of the estate of the deceased had been then ascertained.

[19-G].Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months [* * *] after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased apply to the said

Authority and pay what is wanting to make up the court-fee which ought to

As to recovery of penalties for forfeitures under s. 19-G-, see s. 19-J infra
2, Repealed vide Act No.XII of 1891.

23

Administrator to
give proper
security before
letters stamped
under section
19E-

Executors, etc,
not paying full
court-fee on
probates, etc,
within six
months

After discovery
of
under payment.

have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees percent,

on the amount of the sum wanting to make up the proper court-fee.

119-H]. (1) Where an application for probate or letters of administration is made to any Court other than a High Court, the Court shall cause notice of the application to be given to the Collector.

(2) Where such an application as aforesaid is made to a High Court, the High Court shall cause notice of the application to be given to the Chief Controlling Revenue-authority *[for the local area in which the High Court is situated].

(3) The Collector within the local limits of whose revenue-jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and, if he is still of opinion that the value of the property has been under-estimated, may require the petitioner to amend the valuation.

(4) If the petitioner does not amend the valuation to the satisfaction of the Collector, the Collector may move the Court before which the application for probate or /letters of administration was made, to hold an inquiry into the true value of the property:

1, Inserted vide Act No. XI of 1899.

2, Submitted vide Act No.X of 1901.

24

Notice of
applications for
of
administration
to be given to
Revenue
authority ties,
and procedure
thereon,

Provided that no such motion shall be made after the expiration of six months from the date of the exhibition of the inventory required by

section 277 of the [Indian Succession] Act, 1925 XXXIX of 1925, [* *].

(5) The Court, when so moved as aforesaid shall hold, or cause to be held, an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(6) For the purposes of any such inquiry, the Court or person authorized by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property. The person authorized as aforesaid to hold the inquiry shall return to the Court the evidence taken by him and report the result of the inquiry, and such reports and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.

(7) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Chief Controlling Revenue-authority of any application under section 19-E.

(8) The {Provincial Government} may make rules for the guidance of Collectors in the exercise of the powers conferred by sub-section (3)].

4[19-1.(1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the third schedule, and the Court is satisfied that the fee mentioned

in No. 11 of the first schedule has been paid on such valuation.

(2) The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Collector under section 19-H, sub-section (4)].

Submitted vide Ordinance No.XXVII of 1981..

Omitted by Ord. No.XXVII of 1981.

Substituted by A.O., 1937.

Inserted vide Act No.XI of 1899.

ray

25

X of 1865

Payment of
court fees in
respect of
probates and
letters of

administration

T19-J. (1) Any excess fee found to be payable on an inquiry held under Recovery — of Penalties etc.

section 19-H, sub-section (6), and any penalty or forfeiture under section

19-G may, on the certificate of the Chief Controlling Revenue-authority, be

recovered from the executor or administrator as if it were an arrear of land-

revenue by any Collector. *[* * *].

(2) The Chief Controlling Revenue-authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 19-E or of any court-fee under section 19-E in excess

of the full court-fee which ought to have been paid.]

3[19-K. Nothing in section 6 or section 28 shall apply to Section 6 and

28 not to apply

; probates or letters of administration]. to probate or letters of

administration

CHAPTER—IV.

PROCESS-FEES.

20. The High Court shall, as soon as may be, make rules as to the Rules as to cost of

following matters: — Processes.

(i) The fees chargeable for serving and executing processes

issued by such Court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction :

(ii) the fees chargeable for serving and executing processes

issued by the Criminal Courts established within such limits

- Inserted vide Act No. XI of 1899.

*. Omitted vide A.O.,1949.

%, Inserted vide Act No. XI of 1899.

in the case of offences other than offences for which police-officers may arrest without a warrant: and

(iii) the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes time.

The High Court may from time to time alter and add to the rules so made.

All such rules, alterations and additions shall, after being confirmed by the [Provincial Government] *[* *] be published in the [Official

Gazette], and shall thereupon have the force of law.

Until such rules shall be so made and published, the fees now, leviable for serving and executing processes shall continue to be levied,

and shall be deemed to be fees leviable under this Act.

21. A Table in the English and Vernacular languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each court.

22. Subject to "Crules] to be made by the High Court and approved by the [Provincial Government] *[* *] every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of

processes issued out of his court and each of the court subordinate thereto,

Substituted vide A.O., 1937.

Repealed vide Act No. XXVIII of 1920

Substituted vide A.O. 1937.

For rules made under the powers conferred by this section see different local Rules and Orders.
Substituted vide A.O., 1937.

Repealed vide Act, XXXVII of 1920.

27

Rules as to cost
of
Processes.

Table of process
fees.

Number of
peons in District
and subordinate

Courts.

and for the purposes of this section every Court of Small Number of peons in Causes established under Act 1 No. IX of 1887] ha * * *) shall be deemed musfassal small cause courts.

to be subordinate to the court of the District Judge.

23, (Number of peons in Revenue Courts). Repealed by section 2 and Schedule of the Punjab Land Revenue Act, 1887(XVII of 1887).

24. (Process served under this Chapter to be held to be process within meaning of Code of Civil Procedure}. Rep. by the Repealing and Amending Act, 1891 (A'7 0/1891).

**CHAPTER —V.
OF THE MODE OF LEVYING FEES.**

25. All fees referred to in section 3 or chargeable under this Collection — of fees by stamps.

Act shall be collected by stamps.

26- The stamps used to denote any fees chargeable under Stamps to be impressed or

this Act shall be impressed or adhesive, or partly impressed and

partly adhesive, as the 3 Appropriate Government], may, by

notification in the “[Official Gazette] from time to time direct. *[***]

Substituted vide Order. NoXXII of 1981.

Omitted by Ord. Mo. XXVII of 1981.

Substituted vide Act No.XXXVIII of 1920.

Substituted vide Act No. XXXVIII of 1920.

For rules as to levy of Court-fees by adhesive and impressed, See Gazette of India, 1883 Pt. I.

TOR ON

189.

27. The [Appropriate Government] may, from time to time, make [rules for regulating]—

- (a) the supply of stamps to be used under this Act;
- (b) the number of stamps to be used for denoting any fee-chargeable under this Act;
- (c) the renewal of damaged or spoiled stamps; and
- (d) the keeping accounts of all stamps used under this Act:

Provided that, in the case of stamps used under section 3 in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.

All such rules shall be published in the *[Official Gazette], and

shall thereupon have the force of law.

28. No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped.

But, if any document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be or, in the case of a High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, on

such document being stamped accordingly, the same and every

1 Substituted vide Act No. XXXVIII of 1920.

For rules under s.27, see different Local Rules and Orders.

3, Substituted vide Act No. XXXVIII of 1920.

29

Rules for supply.

Number, renewal

And keeping accounts of stamps.

Stamping documents inadvertently received.

proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

29. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

30. No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out '[the crescent and star] so as to leave the amount designated on the stamp untouched, and the part removed by

punching shall be burnt or otherwise destroyed; 7[.....0006]

CHAPTER—VI

MISCELLANEOUS

31. Ope

32. 4T* * FY

33. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing

contained in section 4 or section 6 shall be deemed to prohibit such

Substituted vide Act No.XIII of 1951.

Omitted vide Ord.Mo.XXVII of 1981.

Repealed vide Act No.XVIII of 1923.

Repealed vide Act No.XII of 1891.

i

30

Stamping
documents
inadvertently
received.

Cancellation of
Stamp.

Admission in
criminal cases
of documents for
which proper
fee has not been
paid

filings or exhibition.

'[34. (1) The *[Appropriate Government] may from time to time make 3 *[rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and

remuneration of such persons.

(2) All such rules shall be published in the "[Official Gazette]", and

shall thereupon have the force of law.

(3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

35. The "[Appropriate Government] may, from time to time by notification in the °[Official Gazette] reduce or remit in the whole or in any part of the [the territories under its administration] all or any of the fees mentioned in the first and second schedules to this Act annexed,

and may in like manner cancel or vary such order.

Substituted vide Act No.XII of 1891.

Substituted vide A.O, 1937.

For rules issued under this Section, see different Local Rules and Orders.
Snb. by A. O., 1937, for "Local Official".

Substituted vide A.O, 1937.

Substituted vide A.O, 1937.

Substituted vide Act No.XXXVIII of 1920.

NO oR 1 oN oe

31

Sale of Stamps.

Power to reduce
Or remit fees.

1135-A (1) The ad valorem fees leviable on the institution of suits specified in schedule *[as amended before the promulgation of the court fees (Amendment) Ordinance, 1962, by any Central or Provincial Act, shall be reduced by fifteen per centum where the value of the subject matter exceeds two thousand rupees but does not exceed fifteen thousand rupees and shall be increased by fifteen per centum where the value of the subject matter exceeds fifteen thousand rupees.

(2) The amount of fee leviable after reduction or increase provided for in sub-section (1) shall be calculated to the nearest rupee or half rupee, whichever it may be].

36. Nothing in Chapters II and V of this Act applies *[* * *] to the fees

32

Variation of rate.

Saving of fees

to certain which any officer of a High Court is allowed to receive in addition to a officers of High Courts.

fixed salary.

(Schedule I. — Ad valorem fees)

[SCHEDULE - 1]

Ad valorem fees

Number Proper fee

"[1]. Plaintiff, written statement pleading a set-off or counterclaim or memorandum of appeal (not otherwise provided for in this Act) or a cross-objection presented to any Civil or Revenue Court including applications, appeals

Seven-and-a half percent (7.5%) on the amount or value of the subject matter in dispute, subject to a minimum of five hundred rupees and a maximum of fifteen thousand rupees (irrespective of value of

Inserted vide Ord No.52 of 1962.

Substituted vide Act No.XII of 1891.

Omitted vide A.O, 1949.

Substituted vide the Khyber Pakhtunkhwa Act NO.XIII of 2011.

VR NR oe

and revisions before revenue
appellant or revisional
authorities; except those
mentioned in section 3.

relief claimed); and

Number

Proper fee

2. Plaintiff [* * *] in a suit for
possession under "[the Specific
Relief Act, 1877, section-9].

3. [Repealed by Act VIII of
1871].

4. Application for review of
judgment, *[if presented on or
after the ninetieth day from the
date of the decree.

5. Application for review of
judgment, "[if presented before
the ninetieth day from the date
of the decree.

A fee of one-half the
amount prescribed in the
foregoing scale.

The fee leviable on the
plaint or memorandum of
appeal.

One-half of the fee leviable
on the plaint or
memorandum of appeal.

6. Copy of translation of a
judgment or order not being, or
having the force of, a decree.

When such judgment or order is
passed by any Civil Court other than
a High Court, or by the presiding
officer of any Revenue Court or
office, or by any other judicial or
Executive Authority-

(a)- If the amount or value of the
subject-matter is fifty or less than

fifty rupees.

Four annas.

(b)-If such amount or value exceeds
fifty rupees.

Eight annas.

Repealed vide Act No.20 of 1870.

Substituted vide Act No.14 of 1859.

BOO ON oe

As to application for review of judgment, see the Code of Civil Procedure, 1908 (Act 5 of 1908)

As to application for review of judgment, see the Code of Civil Procedure, 1908 (Act 5 of 1908)

LE 1.— CONTD

Ad valovem fees)- contd.

34

Number

Proper fee

6. Copy, etc. contd.

When such judgment or order is passed by a High Court.

One rupee.

When such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court-

7. Copy of a decree or order having the force of a decree.

(a)- If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty or less than fifty rupees.

Eight annas.

(b)- If such amount or value exceeds fifty rupees.

When such decree of order is made by a High Court.

One rupee.

Four rupees.

8. Copy of any document liable to stamp-duty under the [Stamp Act, 1899 (II of 1899)] when left by any party to a suit or proceeding in place of the original withdrawn.

(a)-When the Stamp-duty chargeable on the original does not exceed eight annas.

The amount of the duty
chargeable on 1 of the
original, 1879.

(b)- In any other case.

Eight annas.

9. Copy of any revenue or
judicial proceeding or order
not otherwise provided for by
this Act, or copy of any
account, statement, report or
the like taken out of any Civil
or Criminal or Revenue Court
or Office, or from the office or
any chief officer charged with
the executive administration of
a Division.

For every three hundred and sixty
words or fraction of three hundred
and sixty words.

Eight annas.

10. [Repealed by the
Guardians and Wards Act,
1890 VIII of 1890]

1 Substituted Ordvide . No. XXVII of 1

981.

TT11. Probate of a will or letters of administration with or without will annexed.

Fifteen rupees

SCHEDULE-contd.

Advlorem fees-contd.

Number

Proper fee

el 12. Certificate under the Succession Act, 1889 (VII of 1889).

3 [1] As regards debts and securities.

(2) As regards other property in respect of which the certificate is granted.

When the amount or value of such property exceeds one thousand rupees, but does not exceed ten thousand rupees.

Fifteen rupees.

The same fee as would be payable in respect of a certificate under the [Succession Act, 1925] or in respect of an extension of such a certificate as the case may be.

al 12-A]. Certificate under the Regulation of the [Sind Code No. VII of 1827].

When Such amount or value exceeds ten thousand rupees, but does not exceed fifty thousand rupees.

When Such amount or value exceeds fifty thousand rupees, but does not exceed fifty thousand rupees.

Two percent on such amount of value.

Two and one-half per centum on such amount or value.

713] Application to the [*

* * *) [Board of Revenue) for the exercise of its revisional jurisdiction under section 84 of the Punjab Tenancy Act, 1887.

When such amount or value exceeds ten thousand fifty thousand rupees.

When the amount or value of the subject-matter in dispute does not exceed twenty five rupees.

When such amount or value exceeds twenty five rupees.

Three per centum on such amount or value.

Two rupees.

The fee leviable on a

1, Substituted vide the Khyber Pakhtunkhwa OrdNo.IV of 1984.

Substituted vide Act No.7 of 1910.

Substituted vide Act No. VII of 1889.

NLD a Bw

Substituted vide Khyber Pakhtunkhwa OrdNo.IV of 1984.

Substituted vide Ord.No.XXVII of 1981.

Substituted Vide OrdNo.XXVII of 1981.

Originally ins. By the Punjab Court Act, 1884 (18 of 1884) s.70 as amended by the Punjab Courts Act, 1899 (25 of 1899) s. 6. Article 13 was rep in the Punjab by s.5 of the Punjab Courts (Amended) Act, 1912

and in the Khyber Pakhtunkhwa by the Third Schedule of the Khyber Pakhtunkhwa Law and Justice

Regulation 1901 (7 of 1901) but it has since been revived for Both areas in its present form by the Court-fees (Punjab Amendment) Act, 1922 (Punjab 7 of 1922).

8. Omitted vide ordNo.XXVII of 1981.

9, Substituted vide Act No.XVI of 1957.

memorandum of appeal.

"[13-A. Application to a High Court for the exercise of its revisional jurisdiction under section 115 of the Code of Civil procedure, 1908.

Where the application is for revision of an order and the amount or value of the subject-matter is less than two thousand rupees.

Where the application is for the revision of an order and the amount or value of the subject-matter is two thousand rupees.

Seven rupees and fifty paisa.

Fifteen rupees.

14. (Rep. by A.O. 1937)

15. (Rep. by the Repealing and

Amending Act, 1923 (II of 1923 s:3 and Sch)

Where the application is for the revision of an appellate decree.

The fee leviable on a memorandum of appeal.

SCHEDULE 1. - contd.

Ad valorem fees — contd.

3[SCHEDULE-II]

Fixed fees

Number

Proper Fee

1. Application or petition.

1. When presented to any Officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the

Government, and when the subject matter of such application relates exclusively to those dealings.

Or when presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with.

One anna

Inserted vide Ord No.52 of 1962.

Deleted vide the Khyber Pakhtunkhwa Act No.XIII of 2011.

Amended vide W.P Act No. 16 of 1957.

Fixed Fees-Contd

37

Number

Proper Fee

1. Application or
petition....Contd

Government, and when the subject
matter of the application or petition
relates exclusively to such
engagement;

Or when presented to any Municipal
Commissioner 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;

One anna

Or when presented to any Civil Court
other than a Principal Civil court of
original jurisdiction Is * *Jor in to
any [?Court of small Causes
Constituted under Act No.[IX of
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 fifty rupees;

Or when presented to any Civil,
Criminal or Revenue Court or to any
Board or executive officer for the
purpose of obtaining a copy or
translation of any judgment , decrees
or order passed by such Court, Board
or officer, or of any other document
on record in such Court or office.
(b) When containing a complaint or
charge of any.

Eight annas

Repealed vide Act No.13 of 1889.

2, Substituted vide Ord No.XVII of 1987.

Number

Proper Fee

1. Application or petition-coned.

Offence other than an offence for which police officer, may , under the [Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court;

Or when presented to a Civil Criminal or Revenue Court, to a Collector, or any Revenue officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by the Act;

Or to deposit in Court revenue or rent;

Or for determination by a Court of the amount of Compensation to be paid by a land lord to his tenant.

(c) When presented to a 7[* *]

* *) Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue of Circuit, or to any chief officer charged with the executive administration of a Division and not other wise provided for by the Act.

Eight annas

3 [1-A Application to any Civil Court that records may be called for from another Court.

2. Application for leave to use as a pauper.

(d)- When presented to a High Court. When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.

Two rupees.

Twelve annas in addition
to any fee levied on the
application under clause
(a), clause (b) or clause (d)
of article I of [this
Schedule]

Eight annas.

See Now the Code of Criminal Producer, 1898 (Act 5 of 1898).

2, Omitted vide A.O 1964.

3. Inserted vide Act No.14 of 1911.

- Proper Fee

Number

3. Application for leave to (a)- When presented to a District One rupee.

appeal as a pauper. Court.

(b)- When presented to a Two rupees.

Commissioner or a High Court.

4. Plaintiff or memorandum of

appeal in a suit to obtain

possession under 'T * %

* *) the *[Mamlatdars] * *

[sind Act II of 1906].

5. Plaintiff or memorandum of

appeal in a suit to establish or

disprove a right of occupancy.

'16. 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, 1898, or

the Code of Civil Procedure,

1908 and not otherwise

provided for by this Act].

7. Undertaking under section

49 of the Divorce Act.

When presented for the conduct of

any one case-

(a) to any Civil or Criminal Court

other than a high Court, or to any

Revenue Court, or to any Collector or

Magistrate, or other executive

officer, except such as are mentioned

in clauses (b) and (c) of this number.

Eight annas.

Eight annas.

Deleted vide Act No. XVI of 1838.

waYNe

Repealed vide Act No.XII of 1891.

Substituted vide OrdNo.XXVII of 1981.

Substituted vide OrdNo.XXVII of 1981.

Substituted vide Act No.17 of 1914 S.2

(Schedule II- Fixed fees)

SCHEDULE II . - contd

Fixed fees-contd

40

- Proper Fee

Number

10. Mukhtarnama or (b)- to a Commissioner of Revenue, One rupees
Wakalatnama-contd. Circuit or Customs or to any officer

charged with the executive

administration of a Division not

being the Chief Revenue of

Executive Authority.

(b) to a High Court, [* * *] Board

of Revenue or other Chief

Controlling Revenue or Executive Two rupees

Authority.

(a)- to any Civil Court other than a
High Court or to any Revenue court
of other Executive Officer other than
the High Court or Chief Controlling
Revenue or Executive Authority.

11. Memorandum of appeal

when the appeal is not *[*

* * * 1 from a decree or an

5[(aa)- to the Central Board of
Revenue 5[{section 193 of the Custom
Act, 1969 (iv of 1969) for section 35

Twenty five

order having the force of a of the Central Excise and Salt Act, rupees
decree, and is presented. 1944.)

12. Caveat. (b)- to a High court or °[* * *]
Chief Controlling Executive or

13.[] Revenue Authority. Two rupees

[14.[]

14.5 [* * *].

Deleted vide A.O 1964, Art 2 and sch.

Deleted vide Act No. of 1908.

Inserted vide Act No.4 of 1952, 8:2.

Omitted by OrdNo.XXVII of 1981.

Repealed vide Act No.V of 1908.

Substituted by Ord.No.XXVII of 1981.

DAR WN

Number

Proper Fee

16.! [* * *]

17. Plaintiff or memorandum of appeal in each of the following suits:-

(1) to alter or set aside a summary decision or order of any of the Civil Court not established by Letters Patent or of any Revenue Court;

(i1) to alter or cancel any entry in a register of the names of proprietors of revenue paying estates;

(ii1) to obtain a declaratory decree where no consequential relief is prayed;

(iv) to set aside an award;

Ten rupees

(v) to set aside an adoption;

(vi) every other suit where it is not possible to estimate at a money, value the subject-matter in disputes and which is not otherwise provided for by his Act.

18. Application under section 326 of the *[Code of Civil Procedure].

3 [19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908].

20. Every petition under the

Divorce Act, except petitions under section 44 of the same Act, and every memorandum

1, Repealed vide Act No.VI of 1889.

3. Substituted vide Act V of 1908.

See now the Code of Civil Procedure, 1908 (Act 5 of 1908), Second Schedule.

of appeal under section 55 of
the same Act.

21. Plaintiff or memorandum of Twenty rupees
appeal under the

[Parsi Marriage and Divorce

Act, 1865].

7[22. Plaintiff or memorandum Fifteen rupees

of appeal for recovery of
compensation or damages
under the Fatal Accidents Acts,
1855.]

(Schedule III — Form of Valuation)

3[SCHEDULE III]

(See-section 19-1)

FORM OF VALUATION (TO BE USED WITH SUCH
MODIFICATIONS, IF ANY, AS MAY BE NECESSARY).

IN THE COURT OF

Re Probate of the Will of Property and credits of. (or administration of the deceased

1. I solemnly affirm

Make oath make
oath and say that I am the executor (or one of the executors or one of the
next- of- kin) of deceased, and that I have truly set forth in
Annexure A to this affidavit all the property and credits of which the above-
named deceased died possessed or was entitled to at the time of his death,
and which have come of are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B all the items I am
by law allowed to deduct.

3. I further say that the said assets, exclusive only of such last-mentioned items,
but inclusive of all rents, interest, dividends and increased values since the
date of the death of the said deceased, are under the value of. Annexure-A.

1. See now the Parsi Marriage and Divorce Act, 1936 (3 of 1936).

2, Inserted vide Khyber Pakhtunkhwa OrdNo.IV of 1982, S:3.

3, Inserted vide Act No.II of 1899.

ANNEXURE-A

VALUATION OF THE MOVABLE AND IMMOVABLE
PROPERTY OF DECEASED.

Cash in the house and at the banks, household goods, wearing apparel, books, plate, jewels, etc. (State estimated value accordingly to best of Executor's or Administrator's belief).

Property in Government Securities transferable at the Public Debt Office

(State description and value at the Price of the day: also the interest separately calculating it to the time of making the application).

Immovable property consisting of

(State descriptions, giving, in the case of houses the assesses value, if any and the number of years, assessment the market-value is estimated at, and in the case of land, the area, the market — value and all rents that have accrued).

Leasehold property.

If the deceased held any leases for years determinable state the number of years purchase the profit rents are estimated to be worth and the value of such, in serving separately arrears due at the date of death and all rents received or due since that date to the time of making the application)

Property on public companies

(State the particular and the value calculated of the price of the day also the interest separately, calculating it to the time of making the application.)

Policy of insurance upon life, money out on mortgage and other securities such as bonds, mortgages, bills, notes all other securities for money.

SCHEDULE III contd.

(State the amount of the whole; also the interest separately, calculating it to the | Rs. | A. time of

making the application).

Books debts

(Other than bad)

Stock in trade

(State the estimated value, if any)

Other property not comprised under the foregoing heads

(State the estimated value, if any)

Total

Deduct amount shown in Annexure- B not subject to duty.

Total

Net Total

ANNEXURE - B.
SCHEDULE OF DEBTS, ETC

Amount of debts due and owing from the deceased, payable by law out of the estate.

Amount of funeral expenses

Amount of mortgage incumrances.

Property held in trust not beneficially or with general power to confer a beneficial interest.

Other Property not subject to duty.

Total

