



CHHATTISGARH

Judicial Services Exam

CIVIL JUDGE CADRE

High Court of Chhattisgarh

Volume - 1



CHHATTISGARH JUDICIAL SERVICES

CONTENTS

1.	Chhattisgarh Court Fees Act, 1870	(Pg. 1)
2.	Chhattisgarh Excise Act, 1915	(Pg. 25)
3.	Chhattisgarh Rent Control Act, 2011	(Pg. 68)
4.	The Code of Civil Procedure 1908	(Pg. 77)

PART

PART - I	: Suits in General	1-35 B
PART - II	: Execution	36-74
PART - III	: Incidental Proceedings	75-78
PART - IV	: Suits in Particular Cases	79-88
PART - V	: Special Proceedings	89-93
PART - VI	: Supplemental Proceedings	94-95
PART - VII	: Appeals	96-112
PART- VIII	: Reference, Review and Revision	113-115
PART - IX	: Special provisions of HC which are not judicial commissions	116-120
PART - X	: Rules	121-131
PART - XI	: Miscellaneous	132-158

ORDER

PART - 1	: Parties of Suits	Order 1-20A
PART - 2	: Execution of Decrees and Orders	Order 21
PART - 3	: Incidental Proceedings	Order 22-51
	• Order 22 (Death, marriage and Insolvency)	
	• Order 23 (Withdrawal and Adjustment)	
	• Order 24 (Payment in Court)	
	• Order 25 (Security of Cost)	
	• Order 26 (Commission)	
	• Order 27-37 (Suits)	
	• Order 38-40 (Supplemental Proceedings)	
	• Order 41-45 (Appeal)	
	• Order 46-51 (Reference, Review)	

Chhattisgarh Court Fees Act

CHHATTISGARH COURT FEES ACT, 1870

ARRANGEMENT OF SECTIONS

SECTIONS

1. Title.

Extent of Act. Commencement of Act.

CHAPTER I

PRELIMINARY

1A. Definition of "appropriate Government".

2. [Repealed.].

CHAPTER II

FEES IN THE HIGH COURTS AND IN THE COURTS OF SMALL CAUSES AT THE PRESIDENCY-TOWNS

3. Levy of fees in High Courts on their original sides. Levy of fees in Presidency Small Cause Courts.

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 Mofussil Courts or in public offices.

7. Computation of fees payable in certain suits.

(i) For money.

(ii) For maintenance and annuities.

(iii) For other movable property having a market-value.

(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 land, houses and gardens. Proviso as to Bombay Presidency.

For houses and gardens.

- (vi) To enforce a right of pre-emption.
- (vii) For interest of assignee of land-revenue.

SECTIONS

(viii) To set aside an attachment.

(ix) To redeem.

To foreclose. i

(x) For specific performance.

(xi) Between landlord and tenant.

8. Fee on memorandum of appeal against order relating to compensation.
9. Power to ascertain net profits or market-value.
10. Procedure where net profits or market-value wrongly estimated.
11. Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed.
12. Decision of questions as to valuation.
13. Refund of fee paid on memorandum of appeal.
14. Refund of fee on application for review of judgment.
15. Refund where Court reverses or modifies its former decision on ground of mistake.
16. [Repealed.].
17. Multifarious suits.
18. Written examinations of complainants.
19. Exemption of certain documents.

CHAPTER IIIA

PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION

- 19A. Relief where too high a court-fee has been paid.
- 19B. Relief where debts due from a deceased person have been paid out of his estate.
- 19C. Relief in case of several grants.
- 19D. Probates declared valid as to trust-property though not covered by court-fee.
- 19E. Provision for case where too low a court-fee has been paid on probates, etc.
- 19F. Administrator to give proper security before letters stamped under section.
- 19G. Executors, etc., not paying full court-fee on probates, etc., within six months after discovery of underpayment.
- 19H. Notice of applications for probate or letters of administration to be given to Revenue- authorities, and procedure thereon.
- 19-I. Payment of court-fees in respect of probates and letters of administration.
- 19J. Recovery of penalties, etc.
- 19K. Sections 6 and 28 not to apply to probates or letters of administration.

CHAPTER IV PROCESS-FEES

- 20. Rules as to cost of process. Confirmation and publication of rules.

SECTIONS

- 21. Tables of process-fees.

CHAPTER IV PROCESS-FEES

- 22. Number of peons in District and subordinate Courts. Number of peons in Mofussil Small Cause Courts.
- 23. Number of peons in Revenue Courts.
- 24. [Repealed.]
- 25. Collection of fees by stamps.

CHAPTER V
OF THE MODE OF LEVYING FEES

26. Stamps to be impressed or adhesive.
27. Rules for supply, number, renewal and keeping accounts of stamps.
28. Stamping documents inadvertently received.
29. Amended document.
30. Cancellation of stamp.

CHAPTER VI
MISCELLANEOUS

31. [Repealed.].
32. [Repealed.].
33. Admission in criminal cases of documents for which proper fee has not been paid.
34. Sale of stamps.
35. Power to reduce or remit fees.
36. Saving of fees to certain officers of High Courts.

CHAPTER I
PRELIMINARY

1. **Short title** —This Act may be called the Court-fees Act, 1870.

Extent of Act. —It extends to the whole of India except [the territories which, immediately before the 1st November, 1956, were comprised in Part B States];

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

1A. Definition of "appropriate Government".—In this Act "the appropriate Government" means, in relation to fees or stamps relating to documents presented or to be presented before any officer serving under the Central Government, that Government, and in relation to any other fees or stamps, the State Government.

2. ["Chief Controlling Revenue-authority" defined.] Rep. by the A. O. 1937.

CHAPTER II

FEES IN THE HIGH COURTS AND IN THE COURTS OF SMALL CAUSES AT THE PRESIDENCY-TOWNS

3. Levy of fees in High Courts on their original sides — The fees payable for the time being to the clerks and officers (other than the Sheriffs and attorneys) of [the [High Courts other than those of Kerala, Mysore and Rajasthan], or chargeable in each of such courts under No. 11 of the first, and Nos. 7, 12, 14,

4. 20 and 21 of the second, schedule to this Act annexed;

Levy of fees in Presidency Small Cause Courts — and the fees for the time being chargeable in the Courts of Small Causes at the ⁴presidency-towns, and their several offices; shall be collected in manner hereinafter appearing.

5. Fees on documents filed, etc., in High Courts, in their extraordinary jurisdiction — 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, said 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;

In their appellate 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 Courts subject to its superintendence;

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 of an amount not less than that indicated by either of the said schedules as the proper fee for such document.

6. Procedure in case of difference as to necessity or amount of fee.—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 amount thereof, the question shall, when the difference arises in any of the said 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 it to the final decision of the Chief Justice of such High Court, or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

When any such difference arises in any of the said Courts of Small Causes, the question shall be referred to the Clerk of the Court, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the first Judge of such Court.

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

CHAPTER III

FEEES IN OTHER COURTS AND IN PUBLIC OFFICES

6. Fees on documents filed, etc., in Mufassil Courts or in public offices.— Except in the Courts herein before 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 schedules as the proper fee for such document.

7. Computation of fees payable in certain suits — The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows :—

For money — (i) In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)—according to the amount claimed.

For maintenance and annuities — (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:

For other movable property having a market-value — (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—

For movable property of no market-value — (a) for movable property where the subject-matter has no market-value, as, for instance, in the case of documents relating to title,

To enforce a right to share in joint family property — (b) to enforce the right to share in any property on the ground that it is joint family property,

For a declaratory decree and consequential relief — (c) to obtain a declaratory decree or order, where consequential relief is prayed,

For an injunction — (d) to obtain an injunction,

For easements — (e) for a right to some benefit (not herein otherwise provided for) to arise out of land, and

For accounts — (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.

For possession of land, houses and gardens — (v) In suits for the possession of land, houses and gardens—according to the value of the subject-matter; and such value shall be deemed to be—

Where the subject-matter is land, and—

(a) 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:

(b) Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid; and such revenue is settled, but not permanently—five times the revenue so payable:

(c) 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 the year 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:

(d) 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. —Provided that, in the territories subject to the Governor of Bombay in Council, the value of the land shall be deemed to be—

(1) Where the land is held on settlement for a period not exceeding thirty years and pays the full assessment to Government—a sum equal to five times the survey-assessment;

(2) Where the land is held on a permanent settlement, or on a settlement for any period exceeding thirty years, and pays the full assessment to Government—a sum equal to ten times the survey-assessment; and

(3) Where the whole or any part of the annual survey-assessment is remitted— a sum computed under paragraph (1) or paragraph (2) of this proviso, as the case may be, in addition to ten times the assessment, or the portion of assessment, so remitted;

Explanation —The word "estate", as used in this paragraph, means any land subject to the payment of revenue, for which the proprietor or a farmer 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:

For houses and gardens — (e) Where the subject-matter is a house or garden according to the market-value of the house or garden:

To enforce a right of pre-Emption — (vi) In suits 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:

For interest of assignee of land revenue — (vii) In suits for the interest of an assignee of land revenue—fifteen times his net profits as such for the year next before the date of presenting the plaint;

To set aside an Attachment — (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.

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

To foreclose — 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:

For specific performance — (x) In suits for specific performance—

(a) of a contract of sale—according to the amount of the consideration:

(b) of a contract of mortgage—according to the amount agreed to be secured:

(c) 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:

(d) of an award—according to the amount or value of the property in Dispute:

Between landlord and tenant — (xi) In the following suits between landlord and tenant: -

(a) For the delivery by a tenant of the counterpart of a lease,

(b) To enhance the rent of a tenant having a right of occupancy,

(c) For the delivery by a landlord of a lease,

¹[(cc) For the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy,]

(d) To contest a notice of ejectment,

(e) To recover the occupancy of ²[immovable property] from which a tenant has been illegally ejected by the landlord, and

(f) For abatement of rent—

According to the amount of the rent of the ²[immovable property] to which the suit refers, payable for the year next before the date of presenting the plaint.

8. Fee on memorandum of appeal against order relating to compensation

— 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 ³acquisition of land for public purposes, shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

9. Power to ascertain net profits or market-value —

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 (v) and (vi), 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. Procedure where net profits or market-value wrongly estimated. —

(i) 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. Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed — In suits for mesne profits or for immovable property and mesne 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 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 mesne 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.

12. Decision of questions as to valuation

- (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 has 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.

13. Refund of fee paid on memorandum of appeal.— If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the ¹Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in ²section 351 of the same 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. Refund of fee on application for review of judgment. —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 ⁴such day.

Refund where Court reverses or modifies its former decision on ground of mistake.— 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 on the ⁵[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 the 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. Additional fee where respondent takes objection to un-appealed part of decree. Rep. by the Code of Civil Procedure, 1908 (5 of 1908).

17. **Multifarious suits** — 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 ¹Code of Civil Procedure, section 9.

18. **Written examinations of complainants.**—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, the complainant shall pay a fee of eight annas, unless the Court thinks fit to remit such payment.

19. **Exemption of certain documents** — Nothing contained in this Act shall render the following documents chargeable with any fee: —

- (i) Power-of-attorney to institute or defend a suit when executed [by a member of any of the Armed Forces of the Union] not in civil employment.
- (iii) Written statements called for by the Court after the first hearing of a suit.
- (v) Plaints in suits tried by ⁵village Munsifs in the Presidency of Fort St. George.
- (vi) Plaints and processes in suits before District Panchayats in the same residency.
- (vii) Plaints in suits before Collectors under Madras Regulation 12 of 1816.
- (viii) Probate of a will, letters of administration, ⁶[and, save as regards debts and securities a certificate under Bombay Regulation 8 of 1827], where the amount or value of the property in respect of which

- the probate or letters or certificate shall be granted does not exceed one thousand rupees.
- (ix) 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 rights thereto or interests therein, if presented previous to the final confirmation of such settlement.
 - (x) Application relating to a supply for irrigation of water belonging to Government.
 - (xi) 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.
 - (xii) Application for service of notice of relinquishment of land or of enhancement of rent.
 - (xiii) Written authority to an agent to distrain.
 - (xiv) First application (other than a petition containing a 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 not being an affidavit made for the immediate purpose of being produced in Court.
 - (xv) Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.
 - (xvi) Petition, application, charge or information respecting any offence when presented, made or laid to or before a police-officer, or to or before the ¹Heads of Villages or the ²Village Police in the territories respectively subject to the Governors in Council of Madras and Bombay.
 - (xvii) Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

- (xviii) Complaint of a public servant [as defined in the Indian Penal Code (45 of 1860)], a municipal officer, or an officer or servant of a Railway Company.
- (xix) Application for permission to cut timber in Government forests, or otherwise relating to such forests.
- (xx) Application for the payment of money due by Government to the applicant.
- (xxi) Petition of appeal against the chaukidari assessment under Act No. 20 of 1856, or against any municipal tax.
- (xxii) Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.
- (xxiii) Petitions presented to the Special Commissioner appointed under Bengal Act No. 2 of 1869 (to ascertain, regulate and record certain tenures in Chota Nagpur.).
- (xxiv) (Petitions under the Indian Christian Marriage Act, 1872 (15 of 1872), sections 45 and 48.

CHAPTER IIIA

PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION

19A. Relief where too high a court-fee has been paid.—Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of 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 ⁸[for 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,