The Rajasthan Court Fees and Suits Valuation Act, 1961

Act Rajasthan Act No. 23 of 1961. 76 sections. Bare Act with the official footnotes.

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[Received the assent of the President on the 26th day of August, 1961]

An Act to amend and consolidate the law relating to court-fees and valuation of suits in the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Twelfth Year of the Republic of India as follows:-

CHAPTER I Preliminary

Section 1. Short title, extent and commencement

This Act may be called the Rajasthan Court Fees and Suits Valuation Act, 1961.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

Section 2. Application of Act

(1) The provisions of this Act shall not apply to documents presented or to be presented before an officer serving under the Central Government.

(2) Where any other law contains provisions relating to the levy of fee in respect of proceedings under such other law, the provisions of this Act relating to the levy of fee in respect of such proceedings shall apply subject to the said provisions of such other law.

Section 3. Definitions

In this Act, unless the subject or context otherwise requires,-

(i) "appeal" includes a cross objection;

(ii) "Court" means any Civil, Revenue or Criminal Court and includes a Tribunal or other authority having jurisdiction under any special or local law to decide questions affecting the rights of parties;

(iii) "prescribed" means prescribed by rules made under this Act; and

(iv) expressions used and not defined in this Act or in the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955), but defined in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall have the meanings respectively assigned to them in the said Code.

CHAPTER II Liability to Pay Fee.

Section 4. Levy of fee in Courts and Public offices

No document which is chargeable with fee under this Act shall-

(i) be filed, exhibited or recorded in, or be acted on or furnished by, any Court including the High Court, or

(ii) be filed, exhibited or recorded in any public office, or be acted on 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 as chargeable under this Act:

Provided that, 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 Court necessary to prevent a failure of justice, nothing contained in this section shall be deemed to prohibit such filling or exhibition.

Section 5. Fees on documents inadvertently received

When a document on which the whole or any part of the fee prescribed by this Act has not been paid is produced or has, through mistake or inadvertence, been received in any Court or public office, the court or the head of the office may, in its or his discretion at any time, allow the person by whom such fee is payable to pay the fee or part thereof, as the case may be within such time as may be fixed; and upon such payment the document shall have the same force and effect as if the full fee had been paid in the first instance.

Section 6. Multifarious suits

(1) In any suit in which separate and distinct reliefs are sought based on the same cause of action, the plaint shall be chargeable with a fee on the aggregate value of the reliefs:

Provided that, if a relief is sought only as ancillary to the main relief the plaint shall be chargeable only on the value of the main relief.

(2) Where more reliefs than one based on the same cause of action are sought in the alternative in any suit, the plaint shall be chargeable with the highest of the fees leviable on the reliefs.

(3) Where a suit embraces two or more distinct and different causes of action and separate reliefs are sought based on them, either alternatively or cumulatively, the plaint shall be chargeable with the aggregate amount of the fees with which plaints would be chargeable under this Act if separate suits were instituted in respect of the several causes of action:

Provided that, where the causes of action in respect of reliefs claimed alternatively against the same person arise out of the same transaction, the plaint shall be chargeable only with the highest of the fees chargeable on them.

(4) Nothing in sub-section (3) shall be deemed to affect any power conferred upon a Court under rule 6 of Order II of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(5) The provisions of this section shall apply mutatis mutandis to memoranda of appeals, applications, petitions and written statements.

Explanation.- For the purpose of this section, a suit for possession of immovable property and for mesne profits shall be deemed to be based on the same cause of action.

Section 7. Determination of market value

(1) Save as otherwise provided, where the fee payable under this Act depends on the market value of any property, such value shall be determined as on the date of presentation of the plaint.

(2) The market value of land in suits falling under clauses (a) and (b) of section 24 or under clause (a) of section 26 or under section 28 or under section 29 or under sub-section (1) or sub-section (3) of section 35 or under section 36 or under section 44 shall be deemed to be -

(a) where rent in respect of such land has been settled, twenty-five times the rent rate sanctioned therefor during the last settlement, and

(b) where rent in respect of such land has not been settled, twenty-five times the rent rate sanctioned during the last settlement for similar land in the neighbourhood.

Section 8. Set off or counter claim

A written statement pleading a set off or counter claim shall be chargeable with fee in the same manner as a plaint.

Section 9. Documents falling under two or more descriptions

A document falling within two or more descriptions in this Act shall, where the fees chargeable thereunder are different, be chargeable only with the highest of such fees:

Provided that, where one of such descriptions is special and another general, the fee chargeable shall be the fee appropriate to the special description.

CHAPTER III Determination of Fee.

Section 10. Statement of particulars of subject-matter of suit and plaintiff's valuation thereof

In every suit in which the fee payable under this Act, on the plaint depends on the market value of the subject-matter of the suit, the plaintiff shall file with the plaint a statement in the prescribed form of particulars of the subject-matter of the suit and his valuation thereof unless such particulars and the valuation are contained in the plaint.

Section 11. Decision as to proper fee

(1) In every suit instituted in any Court, the Court shall, before ordering the plaint to be registered, decide on the materials and allegations contained in plaint and on the materials contained in the statement, if any, filed under section 10, the proper fee payable thereon, the decision being however subject to review, further review and correction in the manner specified in the succeeding sub- sections.

(2) Any defendant may plead that the subject-matter of the suit has not been property valued or that the fee paid is not sufficient. All questions arising on such pleas shall be heard and decided before the hearing of the suit as contemplated by Order XVIII in the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908). If the Court decides that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient, the Court shall fix a date before which the plaint shall be amended in accordance with the Court's decision and the deficit fee shall be paid. If the plaint be not so amended or if the deficit fee be not paid within the time allowed, the plaint shall be rejected and the Court shall pass such order as it deems just regarding costs of the suit.

(3) A defendant added after issues have been framed on the merits of the claim may, in the written statement filed by him, plead that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient. All questions arising on such pleas shall be heard and decided before evidence is recorded affecting such defendant on the merits of the claim, and if the Court finds that the subject-matter of the suit has not been properly valued or that the fee paid is not sufficient, the Court shall follow the procedure laid down in sub-section (2).

Explanation.- Nothing in this sub-section shall apply to a defendant added as a successor or a representative in interest of a defendant who was on record before issues were framed on the merits of the claim and who had an opportunity to file a written statement pleading that the subject-matter of the suit was not properly valued or that the fee paid was not sufficient.

(4) (a) Wherever a case comes up before a Court of Appeal, it shall be lawful for such Court, either of its own motion or on the application of any of the parties, to consider the corrections of any order passed by the lower Court affecting the fee payable on the plaint or written statement or in any other proceeding in the lower Court and determine the proper fee payable thereon.

Explanation.- A case shall be deemed to come before a Court of Appeal even if the appeal relates only to a part of the subject-matter of the suit.

(b) If the court of Appeal decides that the fee paid in the lower Court is not sufficient, the Court shall require the party liable to pay the deficit fee within such time as may be fixed by it.

(c) If the deficit fee is not paid within the time fixed and the default is in respect of a relief which has been dismissed by the lower Court and which the appellant seeks in appeal, the appeal shall be dismissed, but if the default is in respect of a relief which has been decreed by the lower Court, the deficit fee shall be recoverable as if it were an arrear of land revenue.

(d) If the fee paid in the lower Court is in excess, the Court shall direct the refund of the excess to the party who is entitled to it.

(5) All questions as to value for the purpose of determining the jurisdiction of courts arising on the written statement of a defendant shall be heard and decided before the hearing of the suit as contemplated by Order XVIII in the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

Explanation.- In this section, the expression "merits of the claim" refers to matters which arise for determination to the suit, not being matters relating to the frame of the suit, misjoinder of parties and causes of action, the jurisdiction of the court to entertain or try the suit or the fee payable but inclusive of matters arising on pleas of resjudicata,

limitation and the like.

Section 12. Additional fee on issues framed

Where a party becomes liable to pay additional fee by reason of an issue framed in the suit, the provisions of the last foregoing section shall apply to the determination and levy of such additional fee subject to the modification that were the party liable does not pay such additional fee within the time allowed, the Court shall strike off the issue and proceed to hear and decide the other issues in the case.

Section 13. Relinquishment of portion of claim

A plaintiff who has been called upon to pay additional fee may relinquish a part of his claim and apply to have the plaint amended so that the fee paid would be adequate for the claim made in the plaint as amended. The Court shall allow such application on such terms as it considers just and shall proceed to hear and decide the claim made in the plaint as amended, provided that the plaintiff shall not be permitted at any later stage of the suit to add to the claim the part so relinquished.

Section 14. Fee payable on written statement

Where fee is payable under this Act on a written statement filed by a defendant, the provisions of section 11 shall apply to the determination and levy of the fee payable on such written statement, the defendant concerned being regarded for the said purpose as the plaintiff and the plaintiff or the co-defendant party against whom the claim is made being regarded as the defendant.

Section 15. Fee payable on appeals etc

The provisions of sections 10 to 13 relating to determination and levy of fee on plaints in suits shall apply mutatis mutandis to the determination and levy of fee in respect of a memorandum of appeal, cross-objection or other proceeding in second appeal or in an appeal from the judgment of a single judge of the High Court of Rajasthan under any law for the time being in force.

Section 16. Fee payable on petitions, applications etc

The provisions of sections 10 to 13 shall apply mutatis mutandis to the determination and levy of fee in respect of petitions, applications and other proceedings in Courts in the same way as they apply to the determination and levy of fee on plaints in suits.

Section 17. Court-fee Examiners

(1) The High Court may depute officers to be designated Court-fee Examiners to inspect the records of subordinate Courts with a view to examine the correctness of representations made to, and orders passed by, Courts on questions relating to valuation of subject-matter and sufficiency of fee in respect of proceedings in such Courts.

(2) Questions raised in reports submitted by such Court-fee Examiners and relating to any suit, appeal or other proceeding pending in a Court shall be heard and decided by such Court; and for the avoidance of doubt it is hereby declared that in hearing and deciding a question raised in any such report, it shall be lawful for the court to review an earlier decision given by the court on the same question.

Section 18. Inquiry and commission

For the purpose of deciding whether the subject-matter of a suit or other proceedings has been properly valued or whether the fee paid is sufficient, the Court may hold such inquiry as it considers proper and may. if it thinks fit, 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. Such report and evidence recorded by such person shall be evidence in such inquiry.

Section 19. Notice to the State Government

In any inquiry relating to the fee payable on a plaint, written statement, petition, memorandum of appeal or other document, or to the valuation of the subject-matter of the claim to which the plaint, written statement, petition, memorandum of appeal or other document relates, in so far as such valuation affects the fee payable, the Court may, if it considers it just or necessary to do so, give notice to the State Government; and where such notice is given, the State Government shall be deemed to be a party to the suit or other proceeding as respect the determination of the question or questions as aforesaid, and the Court's decision on such question or questions, when it passes a decree or final order in such suit or proceeding, shall be deemed to form part of such decree or final order.

CHAPTER IV Computation of Fee.

Section 20. Fee how reckoned

The fee payable under this Act shall be determined or computed in accordance with the provisions of this Chapter, Chapter VI, Chapter VIII and Schedules I and II.

Section 21. Suits for money

In a suit for money (including a suit for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically), fee shall be computed on the amount claimed:

[1][Provided that in an action or suit for damages under the Fatal Accidents Act, 1855 (Central Act 13 of 1855) a fixed fee of rupees ten shall be payable on the plaint or the memorandum of appeal.]

[1] Inserted by section 2 of Rajasthan Act No. 16 of 1990, published in Rajasthan Gazette, Extraordinary, Part IV(A), dated 09-08-1990.

Section 22. Suits for maintenance and annuities

In the suits hereinafter mentioned, fee shall be computed as follows:-

(a) in a suit for maintenance, on the amount claimed to be payable for one year,

(b) in a suit for enhancement or reduction of maintenance, on the amount by which the annual maintenance is sought to be enhanced or reduced;

(c) in a suit for annuities or other sums payable periodically, on five times the amount claimed to be payable for one year:

Provided that, where the annuity is payable for less than five years, the fee shall be computed on the aggregate of the sums payable:

Provided further that a suit for enhancement of maintenance shall be instituted in a court which will have jurisdiction to receive a suit for maintenance at the enhanced rate claimed and one for reduction of maintenance shall be instituted in a Court which will have jurisdiction to receive a suit for maintenance at the rate which is sought to be reduced.

Section 23. Suits for movable property

(1) In a suit for movable property other than documents of title, fee shall be computed-

(a) where the subject-matter has a market value, on such value;

or

(b) where the subject-matter has no market value, on the amount at which the relief sought is valued in the plaint.

(2) (a) In a suit for possession of documents of title, fee shall be computed on one-fourth of the amount or of the market value of the property secured by the document-

(i) where the plaint alleges denial of the plaintiffs title to the money or the property secured by the documents, or

(ii) where an issue is framed regarding the plaintiffs title to the money or on the property secured by the documents:

Provided that where the allegation in the plaint or the issue framed relates only to a portion of the amount or property, fee shall be computed on one-fourth of such portion of the amount or on one-fourth of the market value of such portion of the property.

(b) In a suit for possession of documents of title where the plaintiffs title to the money or the property secured by the document is not denied, fee shall be computed on the amount at which the relief sought is valued in the plaint or at which such relief is valued by the Court, whichever is higher.

Explanation.- The expression "document of title" means a document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest whether vested or contingent, in any property.

Section 24. Suits for declaration

In a suit for a declaratory decree or order, whether with or without consequential relief, not falling under section 25-

(a) where the prayer is for a declaration and for possession of the property to which the declaration relates, fee shall be computed on the market value of the property, subject to a minimum fee of twenty rupees;

(b) where the prayer is for a declaration and for consequential injunction and the relief sought is with reference to any immovable property, fee shall be computed on one-half of the market value of the property, subject to a

minimum fee of twenty rupees;

(c) where the prayer relates to the plaintiffs exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other thing and is based on an infringement of such exclusive right, fee shall be computed on the amount at which the relief sought is valued In the plaint subject to a minimum fee of forty rupees;

(d) where the prayer is for a declaration with reference to any property and no consequential relief is prayed for, fee shall be computed on the market value of the property, subject to a minimum fee of twenty rupees;

(e) in other cases whether the subject-matter of the suit is capable of valuation or not, fee shall be computed on the amount at which the relief sought is valued in the plaint, subject to a minimum fee of twenty-five rupees.

Section 25. Adoption suits

In a suit for a declaration in regard to the validity or invalidity of an adoption or the factum of an adoption, fee shall be payable at the following rates:-

where the market value of the property involved in or affected by the relief-

(i) is rupees five thousand or less | Rupees fifty.

(ii) exceeds rupees five thousand but does not exceed rupees ten thousand | Rupees one hundred.

(iii) exceeds rupees ten thousand | Rupees five hundred.

Section 26. Suits for injunction

In a suit for injunction-

(a) where the relief sought is with reference to any immovable property, and where the plaintiff alleges that his title to the property is denied, fee shall be computed on one-half of the market value of the property or on rupees three hundred, whichever is higher;

(b) where the prayer relates to the plaintiffs exclusive right to use, sell, print or exhibit any mark, name, book, picture, design or other thing and is based on an infringement of such exclusive right, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees five hundred, whichever is higher;

(c) in any other case, whether the subject-matter of the suit has a market value or not, fee shall be computed on the amount at which the relief sought is valued in the plaint or on rupees four hundred, whichever is higher.

Section 27. Suits relating to trust property

In a suit for possession or joint possession of trust property or for a declaratory decree, whether with or without consequential relief in respect of it, between trustees or rival claimants to the office of trustee or between a trustee and a person who has ceased to be a trustee, fee shall be computed on one-fifth of the market value of the property subject to a maximum fee of rupees two hundred or where the property has no market value, on rupees one thousand:

Provided that where the property does not have a market value, value for the purpose of determining the jurisdiction of Courts shall be such amount as the plaintiff shall state in the plaint.

Explanation.- For the purpose of this section, property comprised in a Hindu, Muslim or other religious or charitable endowment shall be deemed to be trust property and the manager of any such property shall be deemed to be the trustee thereof.

Section 28. Suits for possession under the Specific Relief Act, 1877

In a suit for possession of immovable property under section 9 of the Specific Relief Act, 1877 (Central Act I of 1877), fee shall be computed on one-half of the market value of the property or on rupees two hundred, whichever is higher.

Section 29. Suits for possession not otherwise provided for

In a suit for possession of immovable property not otherwise provided for, fee shall be computed on the market value of the property, subject to a minimum fee of rupees twenty.

Section 30. Suits relating to easement

In a suit relating to an easement whether by the dominant or the servient owner, fee shall be computed on the amount at which the relief sought is valued in the plaint, which amount shall in no case be less than rupees two hundred:

Provided that where compensation is claimed besides other relief relating to such easement, fee shall be paid on the amount claimed as compensation in addition to the fee payable on such other relief.

Section 31. Pre-emption suits

In a suit to enforce a right of pre-emption, fee shall be computed on the amount of the consideration for the sale which the pre-emptor seeks to avoid or on the market value of the property sold, whichever is less.

Section 32. Suits relating to mortgages

(1) In a suit to recover the money due on a mortgage, fee shall be computed on the amount claimed.

(2) Where, in such a suit, the holder of prior mortgage or charge is impleaded and he prays in his written statement that the amount due on his mortgage or charge be determined and that the decree contain a direction for the payment of such amount to him, fee shall be payable on the written statement computed on the amount claimed:

Provided that where the holder of the mortgage or charge has paid a fee in any other proceeding on the claim to which his written statement relates, credit shall be given for the fee paid by him in such other proceeding.

(3) Where, in such a suit, the mortgaged property is sold and the holder of a prior or subsequent mortgage or charge applies for payment to him, out of the sale proceeds, of the amount due on his mortgage or charge, such holder of the prior or subsequent mortgage or charge shall pay on his application a fee computed on the amount claimed by him:

Provided that, where such holder of the mortgage or charge is a party to the suit in which the sale was held and has paid fee on the written statement filed by him in the suit, no fee shall be payable by him on the application for payment out of the sale proceeds:

Provided further that, where the holder of the mortgage or charge, not being a party to the suit in which the sale is held, has paid a fee in any other proceeding on the claim to which his application relates, credit shall be given for the fee paid by him in such other proceeding.

(4) In a suit by a co-mortgage for the benefit of himself and the other co-mortgagees fee shall be computed on the amount claimed on the entire mortgage:

Provided that, where a co-mortgagee impleaded as defendant in such suit claims on the entire mortgage a larger sum than is claimed in the plaint the difference between the fee computed on the entire sum claimed in such defendant's written statement and the fee computed on the entire sum claimed in the plaint shall be payable on the written statement.

Explanation.- Nothing in this sub-section shall be construed as affecting the law of limitation.

(5) (a) In a suit by a sub-mortgagee to recover the amount claimed on the sub-morgagee by sale of the mortgagee's interest in the mortgaged property, fee shall be computed on the amount claimed under the sub-mortgage.

(b) In a suit by a sub-mortgagee, if the prayer is for the sale of the property mortgaged to the original mortgagee and the original mortgagor is also impleaded as a defendant, fee shall be computed on the entire amount claimed on the original mortgage which is sub-mortgaged to him.

(6) Where the holder of a prior or subsequent mortgage or charge is impleaded in a suit by a co-mortgagee to which sub-section (4) applies, or in a suit by a sub-mortgagee to which sub-section (5) applies, the provisions of sub-section (2) and (3) shall apply mutatis mutandis to a written statement or an application filed by such holder of mortgage or charge.

(7) Where the original mortgagee who is impleaded in a suit to which the provisions of sub-section (5) (b) apply claims on the mortgage sub-mortgaged by him a larger amount than is claimed in the plaint, the provisions of sub-section (4) shall apply mutatis mutandis to the written statement of such mortgagor.

(8) In a suit against a mortgagee for redemption of a mortgage, fee shall be computed on the amount due on the mortgage as stated in the plaint:

Provided that, where the amount due on the mortgage is found to be more than the amount on which fee has been paid by the plaintiff, no decree shall be passed until the deficit fee is paid:

Provided further that, in the case of a usufructuary or anomalous mortgage, if the plaintiff prays for redemption as well as for accounts of surplus profits, fee shall be levied separately on the relief for accounts as in a suit for accounts.

(9) In a suit by a mortgagee to foreclose the mortgage or, where the mortgage is made by conditional sale, to have the sale declared absolute, fee shall be computed on the amount claimed in the plaint by way of principal and interest.

Section 33. Suits for accounts

(1) In a suit for accounts, fee shall be computed on the amount sued for as estimated in the plaint.

(2) Where the amount payable to the plaintiff as ascertained in the suit is in excess of the amount as estimated in the plaint no decree directing payment of the amount as so ascertained shall be passed until the difference between the fee actually paid and the fee that would have been payable, had the suit comprised the whole of the amount so ascertained, is paid.

(3) If the additional fee is not paid within such time as the Court may fix, the decree shall be limited to the amount to which the fee paid extends.

(4) Where in any such suit it is found that any amount is payable to the defendant, on decree shall be passed in his favour until he pays the fee due on the amount.

Section 34. Suits for dissolution of partnership

(1) In a suit for dissolution of partnership and accounts or for accounts of dissolved partnership, fee shall be computed on the value of the plaintiffs share in the partnership as estimated by the plaintiff.

(2) If the value of the plaintiffs share as ascertained in the suit exceeds the value as estimated in the plaint, no decree, or where there has been a preliminary decree, no final decree, shall be passed in favour of the plaintiff, no payment shall be made out of the assets of the partnership and no property shall be allotted towards the plaintiffs share, until the difference between the fee actually paid and the fee that would have been payable, had the suit comprised the whole of the value so ascertained, is paid.

(3) No final decree shall be passed, no money shall be paid and no allotment of property shall be made in favour of a defendant in any such suit, for or on account of his share of the assets of the partnership, until the fee computed on the amount or value of his share of the assets of the partnership is paid.

Section 35. Partition suits

(1) In a suit for partition and separate possession of a share in joint family property or of property owned, jointly or in common, by a plaintiff who has been excluded from possession of such property, fee shall be computed on the market value of the plaintiffs share of the property.

(2) In a suit for partition and separate possession of joint family property or property owned, jointly or in common, by a plaintiff who is in joint possession of such property, fee shall be paid at the following rates namely:-

(i) Rupees thirty if the value of plaintiff's share is Rs. 5,000 or less;

(ii) Rupees one hundred if the value is above Rs. 5,000 but does not exceed Rs. 10,000; and

(iii) Rupees two hundred if such value exceeds Rs. 10,000.

(3) Where, in a suit falling under sub-section (1) or sub-section (2) a defendant claims partition and separate possession of his share of the property, fee shall be payable on his written statement computed on half the market value of his share or at half the rates specified in sub-section (2), according as such defendant has been excluded from possession or is in joint possession.

(4) Where, in a suit falling under sub-section (1) or sub-section (2), the plaintiff or the defendant seeks cancellation of decree or other document of the nature specified in section 38, separate fee shall be payable on the relief of cancellation in the manner specified in that section.

Section 36. Suit for joint possession

In a suit for joint possession of joint family property or of property owned, jointly or in common, by a plaintiff who has been excluded from possession, fee shall be computed on the market value of the plaintiffs share of the property.

Section 37. Administration suits

(1) In a suit for the administration of an estate, fee shall be levied on the paint at the rates specified in section 45.

(2) Where any amount or share or part of the assets of the estate is found due to the plaintiff, and the fee computed on the amount or the market value of such share or part of the assets exceed the fee paid on the plaint, no payment shall be made and no decree directing payment of money or confirming title to such share or part of the assets shall be passed until the difference between the fee actually paid and the fee computed on the amount or value of the property is paid.

(3) No payment shall be made, on decree directing payment of money or confirming title to any share or part of the assets of the estate shall be passed in favour of a defendant in a suit for administration, until the fee computed on the

amount or value of such share or part of such assets is paid by such defendant.

(4) In computing the fee payable by a plaintiff or by a defendant under sub-section (2) or sub-section (3), credit shall be given for the fee if any, paid by such plaintiff or by such defendant in any other proceeding in respect of the claim on the basis of which such amount or share or part of the assets of the estate become due to such plaintiff or to such defendant.

Section 38. Suits for cancellation of decrees, etc

(1) In a suit for cancellation of a decree for money or other property having a money value, or other document which purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest in money, movable or immovable property, fee shall be computed on the value of the subject-matter of the suit, and such value shall be deemed to be-

(a) if the whole decree or other document is sought to be cancelled the amount or value of the property for which the decree was passed or other document was executed; and

(b) if a part of the decree or other document is sought to be cancelled, such part of the amount or value of the property.

(2) If the decree or other document is such that the liability under it cannot be split up and the relief claimed relates only to a particular item of property belonging to the plaintiff or to the plaintiffs share in any such property, fee shall be computed on the value of such property or share or on the amount of the decree, whichever is less.

Explanation.- A suit to set aside an award shall be deemed to be a suit to set aside a decree within the meaning of this section.

Section 39. Suits to set aside attachment

(1) In a suit to set aside an attachment by a Civil or Revenue Court of any property, movable or immovable, or of any interest therein or of any interest in revenue, or to set aside an order passed on an application made to set aside the attachment, fee shall be computed on the amount for which the property was attached or on one-fourth of the market value of the property attached, whichever is less.

(2) In a suit to set aside any other summary decision or order of a Civil or Revenue Court if the subject-matter of the suit has a market value, fee shall be computed on one-fourth of such value, and in other cases, fee shall be payable at the rates specified in section 45.

Explanation.- For the purpose of this section, the Registrar of Co-operative Societies shall be deemed to be a Civil Court.

Section 40. Suits for specific performance

In a suit for specific performance, whether with or without possession, fee shall be payable-

(a) in the case of a contract of sale, computed on the amount of the consideration;

(b) in the case of a contract of mortgage, computed on the amount agreed to be secured by the mortgagee;

(c) in the case of a contract of lease, computed on the aggregate amount of the fine or premium, if any, and of the average of the annual rent agreed to be paid;

(d) in the case of a contract of exchange, computed on the amount of the consideration, or as the case may be, on the market value of the property sought to be taken in exchange;

(e) in other cases, where the consideration for the promise sought to be enforced has a market value, computed on such market value or where such consideration has no market value, at the rates specified in section 45.

Section 41. Suits between landlord and tenant

(1) In the following suits between landlord and tenant, namely:-

(a) for the delivery by a tenant of the counter-part of a lease;

(b) for the enhancement of rent;

(c) for the delivery by a landlord of a lease;

(d) for the recovery of possession of immovable property from which a tenant has been illegally ejected by the landlord; and

(e) for establishing or disproving a right to occupy; fee shall be levied on the amount of rent for the immovable property to which the suit relates, payable for the year next before the date of presenting the plaint.

(2) In a suit for recovery of immovable property from a tenant including a tenant holding over after the termination of a

tenancy, fee shall be computed on the premium, if any, and on the rent payable for the year next before the date of presenting the plaint.

Explanation.- Rent includes also damages for use and occupation payable by a tenant holding over.

Section 42. Suits for mesne profits

(1) In a suit for mesne profits or for immovable property and mesne profits therefrom, fee shall, in respect of mesne profits, be computed on the amount claimed as such profits. If the profits ascertained to be due to the plaintiff are in excess of the profits as claimed, no decree shall be passed until the difference between the fee actually paid and the fee that would have been payable, had the suit comprised the whole of the profits so ascertained, is paid.

(2) Where a decree directs an inquiry as to the mesne profits which have accrued on the property, whether prior or subsequent to the institution of the suit, no final decree shall be passed till the difference between the fee actually paid and the fee which would have been payable, had the suit comprised the whole of the profits accrued due till the date of such decree, is paid.

(3) Where for a period subsequent to the date of the decree or final decree, such decree or final decree directs payment of mesne profits, at a specified rate, such decree or final decree shall not be executed until the fee computed on the amount claimed in execution has been paid.

Section 43. Suits relating to public matters

In a suit for relief under section 91 or section 92 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), the fee payable shall be thirty rupees.

Section 44. Interpleader suits

(1) In an interpleader suit, fee shall be payable on the plaint at the rates specified in section 45.

(2) Where issues are framed as between the claimants, fee shall be payable computed on the amount of the debt or the money or the market value of other property, movable or immovable which forms the subject-matter of the suit. In levying such fee, credit shall be given for the fee paid on the plaint; and the balance of the fee shall be paid in equal shares by the claimants who claim the debt or the sum of money or the property adversely to each other.

(3) Value for the purpose of determining the jurisdiction of courts shall be the amount of the debt, or the sum of money or the market value of other property to which the suit relates.

Section 45. Suits not otherwise provided for

In suits not otherwise provided for, fee shall be payable at the following rates, namely:-

Where the amount or value of the subject-matter in dispute-

(i) is less than Rs. 1000/- | Rupees ten,

(ii) is not less than Rs. 1.000/- but does not exceed Rs. 3,000/- | Rupees thirty,

(iii) is not less than Rs. 3,000/- and does not exceed Rs. 5,000/- | Rupees one hundred.

(iv) exceeds Rs. 5,000/- but does not exceed Rs. 10,000/- | Rupees two hundred.

(v) exceeds Rs. 10,000/- | Rupees three hundred.

Section 46. Fee on memorandum of appeal against order relating to compensation

The 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 property for public purposes shall be computed on the difference between the amount awarded and the amount claimed by the appellant.

Section 47. Appeals

The fee payable in an appeal shall be the same as the fee that would be payable in the Court of first instance on the subject-matter of the appeal:

Provided that, in levying fee on a memorandum of appeal against a final decree by a person whose appeal against the preliminary decree passed by the Court of first instance or by the Court of appeal is pending, credit shall be given for the fee paid by such person in the appeal against the preliminary decree.

Explanation.- (1) Whether the appeal is against the refusal of a relief or against the grant of the relief; the fee payable in the appeal shall be the same as the fee that would be payable on the relief in the Court of first instance.

Explanation.- (2) Costs shall not be deemed to form part of the subject-matter of the appeal except where such costs form themselves the subject-matter of the appeal or relief is claimed as regard costs on grounds additional to or

independent of the relief claimed regarding the main subject-matter in the suit.

Explanation.- (3) In claims which include the award of interest subsequent to the institution of the suit, the interest accrued during the pendency of the suit till the date of decree shall be deemed to be part of the subject-matter of the appeal except where such interest is relinquished.

Explanation.- (4) Where the relief prayed for in the appeal is different from the relief prayed for or refused in the Court of first instance, the fee payable in the appeal shall be the fee that would be payable in the Court of first instance on the relief prayed for in the appeal.

Explanation.- (5) Where the market value of the subject-matter of the appeal has to be ascertained for the purpose of computing or determining the fee payable, such market value shall be ascertained as on the date of presentation of the plaint.

CHAPTER V Valuation of Suits.

Section 48. Suits not otherwise provided for

[1][(1) In a suit as to whose] value for the purpose of determining the jurisdiction of Courts, specific provision is not otherwise made in this Act or in any other law, value for that purpose and value for the purpose of computing the fee payable under this Act shall be the same.

(2) In a suit where fee is payable under this Act at a fixed rate, the value for the purpose of determining the jurisdiction of Courts shall be the market value or where it is not possible to estimate it at a money value such amount as the plaintiff shall state in the plaint.

[1] Substituted vide section 2 of Rajasthan Act No. 3 of 1962, published in Rajasthan Gazette Part IV-A, Extraordinary, dated 20-4-1962.

Section 49. Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes

(1) Notwithstanding anything contained in section 99 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), an objection that by reason of the over-valuation or under valuation of a suit or appeal, a Court of first instance or lower appellate Court which had no jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an appellate Court, unless-

(a) the objection was taken in the Court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower appellate Court in the memorandum of appeal to that Court, or

(b) the appellate Court is satisfied, for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued and that the over valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits.

(2) If the objection was taken in the manner mentioned in clause (a) of sub-section (1), but the appellate court is not satisfied as to both the matters mentioned in clause (b) of that sub-section and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the Court of the first instance or lower appellate court.

(3) If the objection was taken in that manner and the appellate Court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the Court with respect to the hearing of appeal; but if it remands the suit or appeal or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a Court competent to entertain the suit or appeal.

(4) The provisions of this section with respect to an appellate Court shall, so far as they can be made applicable, apply to a Court exercising revisional jurisdiction under section 115 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), or other enactment for the time being in force.

Chapter VI Probates, Letters of Administration and Certificates of Administration

Section 50. Application for probate or letters of administration

(1) Every application for the grant of probate or letters of administration shall be accompanied by a valuation of the estate in duplicate in the form set forth in Part I of Schedule III.

(2) On receipt of such application, the Court shall send a copy thereof and of the valuation to the Collector of the district in which the estate is situated, or if the estate is situated in more than one district, to the Collector of the district in which the most valuable portion of the immovable property included in the estate is situated.

Section 51. Levy of fee

(1) The fee chargeable for the grant of probate or letters of administration shall be calculated at the rate or rates prescribed in Article 6 of Schedule I,-

(a) where the application is made within one year of the date of death of the deceased, on the market value of the estate on such date; or

(b) where the application is made after the expiry of one year from such date, on the market value of the estate on the date of the application:

Provided that property held in trust not beneficially or with general power to confer a beneficial interest shall not be liable to any fee under this chapter.

Explanation.- Any member of a joint Hindu family governed by the Mitakshara law who applies for probate or letters of administration in respect of the estate of a deceased member of the joint family shall pay a fee on the value of the share in the joint property which the deceased would have received if a partition of the property had been made immediately before his death.

(2) For the purpose of the computation of fee-

(a) the value of the items mentioned in Annexure B to Part I of Schedule III shall be deducted from the value of the estate:

Provided that, when an application is made for probate or letters of administration in respect of part only of an estate, no debt, no expenses connected with any funeral rites or ceremonies and no mortgage encumbrance on any part of the estate other than that in respect of which the application is made shall be deducted:

Provided further that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925 (Central Act 39 of 1925) in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee payable in respect of the former grant;

(b) the power of appointment which the deceased had over a property or which was created under a will shall be taken into account, the value of the property forming the subject matter of the power.

Section 52. Grant of probate

The grant of probate or letters of administration shall not be delayed by reason of the reference to the Collector under section 50, sub-section (2), or of a motion by the Collector under section 54, sub-section (5); but the Court shall make no grant of probate or letters of administration until it is satisfied that a fee not less than that prescribed by this Act has been paid on the basis of the net value of the estate as furnished in the valuation accompanying the application, or in the amended valuation filed under section 54, sub-section (3):

Provided that the Court may grant probate or letters of administration notwithstanding that the prescribed fee has not been paid, to the Administrator-General in his official capacity on his giving an undertaking to the satisfaction of the Court that the said fee will be paid within such time as may be fixed by the Court.

Section 53. Relief in cases of several grants

(1) Whenever a grant of probate or letters of administration has been made in respect of the whole of the property belonging to an estate and the full fee payable under this Act in respect of the application for such grant has been paid thereon, no fee shall be payable when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

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

Section 54. Inquiry by the Collector

(1) The Collector to whom a copy of the application and of the valuation has been sent under section 50, sub-section (2), shall examine the same and may make or cause to be made by any officer subordinate to him such inquiry, if any, as he thinks fit as to the correctness of the valuation or, where a part only of the property is situated in his district, of the valuation of that part, and may require the Collector of any other district in which any part of the property is situated to furnish him with the correct valuation thereof.

(2) Any Collector required under sub-section (1) to furnish the correct valuation of any property shall comply with the requisition after making or causing to be made by any officer subordinate to him such inquiry, if any, as he thinks fit.

(3) If the Collector is of opinion that the applicant has under-estimated the value of the property of the deceased, he may, if he thinks fit, require the attendance of the applicant, either in person or by his 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 applicant to amend the valuation and, if the application for probate or letters of administration is pending in Court, to file a copy of the amended valuation in such Court.

(4) If, in any such case, the probate or letters of administration has or have been granted and the applicant amends the valuation to the satisfaction of the Collector and the Collector finds that the fee payable according to the true value of the estate has not been paid in full he shall proceed under section 56, sub-section (4); but if the fee paid is in excess of that payable according to the true value of the estate, the excess fee shall be refunded to the applicant.

(5) If the applicant 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:

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 317 of the Indian Succession Act, 1925 (Central Act 39 of 1925).

Section 55. Application to Court and powers of Court

(1) The Court shall, when moved by the Collector under section 54, sub-section (5), hold or cause to be held by any Court or officer subordinate to it an inquiry as to the true value at which the estate of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(2) For the purposes of any such inquiry, the Court, or the subordinate Court or the officer authorised by the Court to hold the inquiry, may examine the applicant on oath either in person or by commission, and may take such further evidence as may be produced to prove the true value of the estate, and where the inquiry has been entrusted to a subordinate Court or officer, such Court or officer shall return to the Court the evidence taken and report the result of the inquiry and such report and the evidence so taken shall be evidence in the proceedings.

(3) The Court on the completion of the inquiry or on receipt of the report referred to in sub-section (2), as the case may be, shall record a finding as to the true value at which the estate should have been estimated and such finding shall be final.

(4) The Court may make such order in accordance with the provisions of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) as to the costs of the inquiry as it thinks fit.

Section 56. Provision for cases where too low a fee has been paid

(1) Where too low a 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, apply to the Collector in the form set forth in Part II of Schedule III and pays within six months after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, the difference between the fee which ought to have been paid in the first instance on such probate or letters and the fee actually paid, the Collector shall, if satisfied that insufficient fee was paid in the first instance in consequence of a mistake and without any intention to defraud or to delay the payment of the proper fee, cause the probate or letters to be duly stamped.

(2) If, in a case falling under sub-section (1), the executor or administrator does not, within six months referred to in that sub-section, pay the deficit fee, he shall forfeit a sum equal to five times the deficit fee.

(3) If, no application being made under sub-section (1), the Collector is satisfied that the application was not made within six months of the discovery of the mistake or of further effects not included in the original valuation or that the payment of insufficient fee in the first instance was not due to a bonafide mistake, he shall cause the probate or letters to be duly stamped on payment of the deficit fee together with a penalty not exceeding five time such fee.

(4) If, after the grant of probate or letters of administration of an estate, it if found by the Collector as a result of proceedings under section 54 or section 55 or otherwise, that a less fee has been paid than that payable according to the true value of the estate, he shall cause the probate or letters to be properly stamped on payment of the deficit fee, and if he is satisfied that the original under valuation was not bonafide he shall levy in addition a penalty not exceeding five times the deficit fee.

(5) The Board of Revenue may remit the whole or any part of the amount forfeited under sub-section (2) or of any penalty under sub-section (3) or sub-section (4).

Section 57. Administrator to give proper security before letters stamped

In case of letters of administration on which too low a fee has been paid in the first instance the Collector shall not cause the same to be duly stamped in the 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.

Section 58. Relief when too high a fee has been paid

(1) If, at any time after the grant of the probate or letters of administration of an estate, it is discovered that higher fee has been paid than was payable according to the true value of the estate, the executor or administrator, as the case may be, may apply for a refund to the Collector to whom a copy of the valuation of the estate was sent under section 50, sub-section (2). The application shall be accompanied by an amended valuation in the form set forth in Part II of Schedule III together with the probate or letters of administration upon which a refund is sought.

(2) If the Collector is satisfied that the amended valuation is correct, he shall-

(i) endorse a certificate on the stamped probate or letters of administration to the effect that so much of the fee represented by the stamp or stamps used has been refunded; and

(ii) refund the difference between the fee originally paid and that which should have been paid:

Provided that no refund shall be granted under this section unless the application for refund is made within three years of the date of the grant of the probate or letters of administration, or within such further period as the Collector may allow.

(3) If, by reason of any legal proceedings, the debts due from the deceased have not 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 period of three years, the Collector may allow such further time for making the claim as may appear to him to be reasonable under the circumstances.

(4) If the Collector does not grant a refund, the executor or administrator, as the case may be, may apply to the Board of Revenue for an order of refund. An application for such refund should be accompanied by an amended valuation in the form set forth in Part II of Schedule III.

Section 59. Recovery of penalties etc

Any excess fee found to be payable by an applicant for probate or letters of administration or by an executor or administrator or any costs under section 55, sub-section (4), or any penalty or forfeiture payable by any such executor or administrator may, on the certificate of the Board of Revenue, be recovered from the executor or administrator as if it were an arrear of land revenue.

Section 60. Powers of Board of Revenue

The powers and duties of the Collector under this Chapter shall be subject to the control of the Board of Revenue.

CHAPTER VII Refunds and Remissions.

Section 61. Refund in cases of rejection of plaint etc

(1) Where a plaint is rejected under Order 7, Rule 11 or a memorandum of appeal is rejected under Order 41, Rules 3 or 11 of the Code of Civil Procedure, 1908 (Act No. 5 of 1908), the Court may, in its discretion, direct the refund to the plaintiff or the appellant of the fee either in whole or in part, paid on the plaint or memorandum of appeal which has been rejected.

(2) Where a memorandum of appeal is rejected on the ground that it was not presented within the time allowed by the law of limitation, one-half of the fee shall be refunded.

Section 62. Refund in cases of remand

(1) Where a plaint or memorandum of appeal which has been rejected by the lower Court is ordered to be received, or where a suit is remanded in appeal for a fresh decision by the lower Court, the Court making the order or remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of appeal and, if the remand is on second appeal, also on the memorandum of appeal in the first appellate Court, and, if the remand is on an appeal from the judgment of single Judge of the High Court of Rajasthan under any law for the time being in force, also on the memorandum of second appeal and memorandum of appeal in the first appellate court.

(2) where an appeal is remanded in second appeal or in an appeal from the judgment of a single Judge of the High

Court of Rajasthan under any law for the time being in force, for a fresh decision by the lower appellate Court, the High Court remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of second appeal if the remand is in second appeal and of the full amount of fee paid on the memorandum of second appeal, and the memorandum of appeal from the judgment of a single Judge of the High Court of Rajasthan under any law for the time being in force, if the remand is on such latter appeal:

Provided that, no refund shall be ordered if the remand was caused by the fault of the party who would otherwise be entitled to a refund:

Provided further that if the order of remand does not cover the whole of the subject-matter of the suit, the refund shall not extend to more than so much fee as would have been originally payable on that part of the subject-matter in respect where of the suit has been remanded.

Section 63. Refund on grounds of mistake

(1) Where an application for a review of judgment is admitted on the ground of some mistake or error apparent on the face of the record, and on rehearing the Court reverses or modifies its former decision on that ground, it shall direct the refund to the applicant of so much of the fee paid on the application as exceeds the fee payable on any other application to such Court under Article 11(g) and (h) of Schedule II.

(2) Any fee paid by mistake or inadvertence shall be ordered to be refunded to the person paying the same.

Section 64. Exemption of certain documents

Nothing contained in this Act shall render the following documents chargeable with any fee:-

(i) Mukhtarnama, vakalatnama or other written authority to institute or defend a suit when executed by a member of any of the Armed Forces of the Union not in civil employment;

(ii) application relating to supply for irrigation of water belonging to Government;

(iii) first application (other than a petition containing a criminal charge of 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;

(iv) bail bonds in criminal cases, recognizances to prosecute or give evidence and recognizances for personal appearance or otherwise;

(v) petition, application, charge or information respecting any offence when presented, made or laid to or before a police officer;

(vi) petition by a prisoner or other person in duress or under restraint of any Court or its officer;

(vii) complaint of a public servant as defined in the Indian Penal Code, 1860 (Central Act 45 of 1860) or an officer of the State Railway relating to matters arising out of, or in connection with, the discharge of his official duty;

(viii) application for the payment of money due by the State Government to the applicant, other than an application for refund of lapsed deposit made six months after the date on which the amount lapsed to the State Government;

(ix) petition of appeal against any municipal tax;

(x) an application for compensation under any law for the time being in force relating to the acquisition of property for public purposes;

(xi) petition of appeal by a Government servant or a servant of the Court of Wards when presented to any superior officer or Government against orders of dismissal, reduction or suspension; copies of such orders filed with such appeals, and applications for obtaining such copies.

Section 65. Power to reduce or remit fees

The State Government may, by notification in the official Gazette, reduce or remit, in the whole or in any part of the territory of this State, all or any of the fees chargeable under this Act, and may, in like manner, cancel or vary such notification.

Section 65A. Power to exempt fees

[1][The State Government may be notification in the official Gazette, exempt, in public interest, any class of persons from all or any of the fees chargeable for any category of suits under this Act.]

[1] Inserted by section 27 of Rajasthan Act No. 4 of 2007 (The Rajasthan Finance Act, 2007), published in Rajasthan Gazette, Extraordinary, Part IV(A), dated 10-04-2007.

Section 65B. Refund of Fee

[1][Where the Court refers the parties to a suit to any one of the mode of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) and the matter is settled by one of the modes provided under section 89 of the Code of Civil Procedure, the plaintiff shall be entitled to a certificate from the Court authorising him to receive back from the Collector, the full amount of the fee paid in respect of such plaint.]

[1] Inserted by section 2 of Rajasthan Act No. 19 of 2009, published in Rajasthan Gazette, Extraordinary, Part IV(A), dated 11-09-2009.

CHAPTER VIII Miscellaneous

Section 66. Collection of fees by stamps

(1) All fees chargeable under this Act shall be collected by stamps.

(2) The Stamps used to denote any fee chargeable under this Act shall be impressed or adhesive or partly impressed and partly adhesive, as the State Government may, by notification in the official Gazette, from time to time direct.

Section 67. Amended document

Where any document which ought to bear a stamp under this Act 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 fresh stamp.

Section 68. Cancellation of stamp

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.

(2) 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 figure head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

Section 69. Deduction to be made

Where allowance is made under this Act for damaged or spoiled stamps or where fee already paid is directed to be refunded to any person by an order of Court, the Collector may, on the application of the person concerned, pay to him the amount of fee, or, where damaged or spoiled stamps are produced, he may, after satisfying himself about their genuineness, give in lieu thereof the same amount or value in stamps of the same or any other description, or if the applicant so desired, the same amount or value in money: provided that in all cases where money is paid in cash, a deduction shall be made of six naye paise for each rupee or fraction thereof. No such deduction shall however be made where refund is claimed in respect of any fee paid in pursuance of an order of Court which has been varied or reversed in appeal.

Section 70. Penalty

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

Section 71. Power of High Court to make rules

(1) The High Court may make rules to provide for or regulate all or any of the following matters namely:-

(a) the fees payable for serving and executing processes issued by the High Court in its appellate jurisdiction and by the Civil and Criminal Courts subordinate thereto;

(b) the remuneration of persons employed by the Court mentioned in clause (a) in the service or execution of processes;

(c) the fixing by District and Sessions Judges and District Magistrates of the number of process servers necessary to be employed for the service and execution of processes issued from their respective courts and the Courts subordinate thereto;

(d) the display in each Court of a table in English and in Hindi showing the fees payable for the service and execution of processes.

(2) All rules made under sub-section (1) shall be subject to confirmation by the State Government with or without modification and on such confirmation they shall be published in the official Gazette and shall thereupon have effect as if enacted in this Act.

Section 72. Power of Board of Revenue to make rules

(1) The Board of Revenue may, with the previous sanction of the State Government, make rules consistent with this Act to provide for or regulate all or any of the following matters, namely:-

(a) the fees chargeable for serving and executing processes issued by the Board of Revenue and by the Revenue Courts;

(b) the remuneration of the persons necessary to be employed for the service and execution of such processes;

(c) the fixing by Collectors of the number of persons necessary to be employed for the service and execution of such processes;

(d) the guidance of Collectors in the exercise of their powers under Chapter VI.

(2) All rules made under this section shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

Section 73. Power of State Government to make rules

(1) The State Government may, by notification in the official Gazette, make rules to provide for the following matters, namely:-

(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 keeping of accounts of all stamps used under this Act,

(d) the circumstances in which stamps may be held to be damaged or spoiled,

(e) the circumstances and manner in which, and the authorities by which, allowance for used, damaged or spoiled stamps may be made,

(f) the regulation of the sale of stamps to be used under this Act, the persons by whom alone such stamps may be sold and the duties and remuneration of such persons,

(g) generally for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and, if, before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

Section 74. Repeal and saving

(1) The Rajasthan Court Fees Act (Adaptation) Ordinance, 1950 (Rajasthan Ordinance 9 of 1950), the Rajasthan Suit Valuation Act, 1958 (Rajasthan Act 3 of 1959) and all enactments amending the aforesaid Ordinance and Act are hereby repealed and the provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955), shall apply to such repeal.

(2) Notwithstanding such repeal, all suits and proceedings instituted before the commencement of this Act and all proceedings by way of appeal, revision or otherwise arising therefrom whether instituted before or after such commencement shall be governed by the provisions of the said Ordinance and Act and the rules made thereunder.

Schedules

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