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The Bombay Court-Fees (Gujarat Amendment) Act, 1961

37 of 1961

Keyword(s):
Fees, Court

Amendments appended: 29 of 1962, 15 of 1965, 9 of 1977, 12 of 1995, 4 of 1996, 18 of 2003

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The following Act of the Gujarat Legislature having been assented to by the Governor on the 6th November 1961, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XXXVII OF 1961

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 18th November 1961)

An Act to amend the Bombay Court Fees Act, 1959.

It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

1. (*1*) This Act may be called the Bombay Court-fees (Gujarat Amendment) Act, 1961. Short title and commencement.

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(2) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf. Bom. XXX. VI of 1959.

Amendment of Schedule II to Bom. XXXVI of 1959.

2. In Schedule II to the Bombay Court-fees Act, 1959, for article 12, the following shall be substituted :—

"12. Mukhtarnama or Wakalatnama.	When presented for the conduct of any one case,—	
	(a) to any Civil or Criminal Court other than a District Court or Court of Session or the High Court or to any Revenue Court, or to any Collector or Magistrate or other executive officer ;	One Rupee.
	(b) to a District Court or Court of Session ;	Two Rupees.
	(c) to the High Court.	Four Rupees."

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PART IV

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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th August 1962, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. XXIX OF 1962

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 1st September 1962).

An Act further to amend the Bombay Court-fees Act, 1959 in its application to the State of Gujarat.

It is hereby enacted in the Thirteenth Year of the Republic of India as follows:—

Bom. XXXVI of 1959.

1. This Act may be called the Bombay Court-fees (Gujarat Amendment) Act, 1962. Short title.

2. In the Bombay Court-fees Act, 1959 in its application to the State of Gujarat (hereinafter referred to as 'the principal Act') in the heading below Chapter II, after the words "HIGH COURT" the words "AND IN THE COURT OF SMALL CAUSES OF AHMEDABAD" shall be inserted. Amendment of heading of Chapter I of Bom. XXVI of 1959

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Amendment of section 3 of Bom. XXXVI of 1959.

3. In section 3 of the principal Act,—

(*i*) after the second paragraph, the following paragraph shall be inserted, namely :—

"and the fees for the time being chargeable in the Court of Small Causes of Ahmedabad and its Office,";

(*ii*) in the marginal note after the words "original side" the words "and in the Court of Small Causes of Ahmedabad" shall be inserted.

Amendment of section 4 of Bom. XXXVI of 1959.

4. In section 4 of the principal Act, after sub-section (*1*), the following sub-section shall be inserted, namely :—

"(2) When any such difference arises in the Court of Small Causes of Ahmedabad the question shall be referred to the Registrar, whose decision thereon shall be final, subject to revision, on an application, made within sixty days from the date of the decision, by the party concerned or such officer as may be appointed in this behalf by the State Government, by the Chief Judge of the said Court of Small Causes or by such Judge of that Court as the Chief Judge shall appoint either generally or specially in this behalf.".

Amendment of section 5 of Bom. XXXVI of 1959.

5. In section 5 of the principal Act,

(*i*) after sub-section (2), the following sub-section shall be inserted, namely :

"(3) When any such difference arises in the Ahmedabad City Civil Court, the question shall be referred to the Registrar of the City Civil Court whose decision shall be final, subject to revision, on an application, made within sixty days from the date of the decision, by the party concerned or such officer as may be appointed in this behalf by the State Government, by the Principal Judge or such other Judge of the said Court as the Principal Judge shall appoint either generally or specially in this behalf.";

(*ii*) after sub-section (*4*), the following sub-section shall be inserted, namely :—

"(5) Nothing in this section shall affect the provisions of the Presidency Small Cause Courts Act, 1882 in its application to the State of Gujarat.". XV of 1882

Amendment of section 34 of Bom. XXXVI of 1959.

6. In section 34 of the principal Act, after the words "every District Judge," the words "the Principal Judge of the Ahmedabad City Civil Court" shall be inserted

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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 15th May 1965 is hereby published for general information.

SUMANT M. VIDYARTHI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 15 OF 1965.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*" on the 17th May 1965.)

An Act further to amend the Bombay Court-fees Act, 1959 for certain purposes.

It is hereby enacted in the Sixteenth Year of the Republic of India as follows :—

1. (*1*) This Act may be called the Bombay Court-fees (Gujarat Amendment) Act, 1965. **Short title and commencement.**

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

2. In Schedule I to the Bombay Court-fees Act, 1959, **Amendment of Schedule I to Bom. XXXVI of 1959.**

(*a*) in Article 1, in column 2, at the end the following shall be added, namely :—

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"Provided that the maximum fee leviable on a plaint or memorandum of appeal or of cross-objection shall be fifteen thousand rupees.";

(*b*) in the Table of rates of *ad valorem* fees leviable on the institution of suits,-

(*i*) for the words, letters and figures "and at the rate of Rs. 100 for every Rs. 10,000 or part thereof, over Rs. 1,00,000 for example:—" the following shall be substituted, namely:—

"and, over Rs. 1,00,000, at the rate of Rs. 100 for every Rs. 10,000 or part thereof, upto a maximum of Rs. 15,000, for example:—";

(*ii*) for the last three entries, namely:—

"13,00,000	15,300-00
14,00,000	16,300-00
15,00,000	17,300-00"

the following shall be substituted, namely:—

"12,70,000 or more	15,000-00".

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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 6th July, 1977 is hereby published for general information.

S. L. TALATI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 9 OF 1977.

(First published after having received the assent of the Governor in the "Gujarat Government Gazettee" on the 13th July, 1977).

An Act further to amend the Bombay Court-fees Act, 1959.

It is hereby enacted in the Twenty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Bombay Court-fees (Gujarat Amendment) Act, 1977.

Amendment of section 37 of Bom. XXXVI of 1959.

Bom. XX-XVI of 1959.

2. In the Bombay Court-fees Act, 1959, section 37 shall be re-numbered as sub-section (*1*) of that section and after sub-section (*1*) as so renumbered, the following sub-sections shall be inserted, namely:—

"(*2*) Notwithstanding anything contained in sub-section (*1*), where,—

(*a*) the State Government, in relation to any area in the State, or

(*b*) the Collector, in relation to any area in the district under his charge,

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is satisfied that on account of temporary shortage of stamps in any area, fee cannot be paid, and payment of fee cannot be indicated on documents, by means of stamps, the State Government, or as the case may be, the Collector may, by notification in the *Official Gazette*, direct that in such area and for such period as may be specified in such notification, the fee may be paid in cash in any Government treasury or sub-treasury, and the officer-in-charge of such treasury or sub-treasury shall, on production of a *challan* evidencing payment of fee in such treasury or sub-treasury, certify such payment by endorsement on the document in respect of which fee has been so paid, and state in the said endorsement the amount of the fee so paid.

(*3*) An endorsement made on any document under sub-section (*2*) shall have the same effect as if the fee of an amount equal to the amount stated in the endorsement had been paid in respect of, and such payment had been indicated on, such document by means of stamps under sub-section (*1*).".

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PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th July, 1995 is hereby published for general information.

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 OF 1995.

(First published after having received the assent of the Governor in the *Gujarat Government Gazette* on the 29th July, 1995).

AN ACT

further to amend the Bombay Court-fees Act, 1959.

It is hereby enacted in the Forty-sixth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Bombay Court-fees (Gujarat Amendment) Act, 1995.

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

Amendment of section 6 of Bom. XXXVI of 1959.

Bom. XXXVI of 1959

2. In the Bombay Court-fees Act, 1959 (hereinafter referred to as "the principal Act"), in section 6, in cluase (iv), in sub-clause (j), for the words "thirty rupees", the words "two hundred rupees" shall be substituted.

Amendment of Schedule I to Bom. XXXVI of 1959.

3. In the principal Act, in Schedule I,—

(1) for Article 1, the following shall be substituted, namely:—

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1	2	3
"1. Plaint or memorandum of appeal (not otherwise provided for in this Act) or of cross objection presented to any Civil or Revenue Court.	..	As per rate specified in the Table annexed at the end of this Schedule.";

(2) in Article 15, in column 3, for the words "fifteen rupees", the words "fifty rupees" shall be substituted;

(3) in Article 16, in column 3, for the words "fifty rupees", the words "two hundred rupees" shall be substituted;

(4) in Article 17, in column 3, for the words "fifty rupees", the words "two hundred rupees" shall be substituted;

(5) for the existing Table appearing after Article 17, the following shall be substituted, namely :–

TABLE

(See Article 1 of Schedule I)

Table of rates of *ad valorem* fees leviable on institution of suits, etc.

When the amount or value of the subject matter in dispute exceeds	But does not exceed	Proper court fee.	
(1)	(2)	(3)	
Rs.	Rs.	Rs.	
...	15,000	2.5%	On claim amount.
15,000	15,500	1135	
15,500	16,000	1170	
16,000	16,500	1205	
16,500	17,000	1240	
17,000	17,500	1275	
17,500	18,000	1310	
18,000	18,500	1345	
18,500	19,000	1380	
19,000	19,500	1415	
19,500	20,000	1450	
20,000	21,000	1495	
21,000	22,000	1540	
22,000	23,000	1585	
23,000	24,000	1630	
24,000	25,000	1675	
25,000	26,000	1720	
26,000	27,000	1765	
27,000	28,000	1810	
28,000	29,000	1855	
29,000	30,000	1900	

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(1)	(2)	(3)
30,000	32,000	1960
32,000	34,000	2020
34,000	36,000	2080
36,000	38,000	2140
38,000	40,000	2200
40,000	42,000	2260
42,000	44,000	2320
44,000	46,000	2380
46,000	48,000	2440
48,000	50,000	2500
50,000	55,000	3300
55,000	60,000	3600
60,000	65,000	3900
65,000	70,000	4200
70,000	75,000	4500
75,000	80,000	5200
80,000	85,000	5525
85,000	90,000	5850
90,000	95,000	6175
95,000	1,00,000	6500
1 lakh	2 lakhs	15,000
2 lakhs	3 lakhs	22,500
3 lakhs	4 lakhs	30,000
4 lakhs	5 lakhs	37,500
5 lakhs	6 lakhs	45,000
6 lakhs	7 lakhs	52,500
7 lakhs	8 lakhs	60,000
8 lakhs	9 lakhs	67,500
9 lakhs	10 lakhs	75,000
10 lakhs	11 lakhs	77,000
11 lakhs	12 lakhs	84,000
12 lakhs	13 lakhs	91,000
13 lakhs	14 lakhs	98,000
14 lakhs	15 lakhs	1,05,000
15 lakhs	16 lakhs	1,12,000
16 lakhs	17 lakhs	1,19,000
17 lakhs	18 lakhs	1,26,000
18 lakhs	19 lakhs	1,33,000
19 lakhs	20 lakhs	1,40,500
20 lakhs	21 lakhs	1,41,000
21 lakhs	22 lakhs	1,43,000
22 lakhs	23 lakhs	1,49,500
23 lakhs	24 lakhs	1,56,000
24 lakhs	25 lakhs	1,62,500
25 lakhs	26 lakhs	1,69,000
26 lakhs	27 lakhs	1,75,500
27 lakhs	28 lakhs	1,82,000
28 lakhs	29 lakhs	1,88,500
29 lakhs	30 lakhs	1,95,000
30 lakhs	31 lakhs	1,95,300
31 lakhs	32 lakhs	1,96,800
32 lakhs	33 lakhs	1,98,000
33 lakhs	34 lakhs	2,04,000
34 lakhs	35 lakhs	2,10,000
35 lakhs	36 lakhs	2,16,000

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(1)	(2)	(3)
36 lakhs	37 lakhs	2,22,000
37 lakhs	38 lakhs	2,28,000
38 lakhs	39 lakhs	2,34,000
39 lakhs	40 lakhs	2,40,000
40 lakhs	41 lakhs	2,41,900
41 lakhs	42 lakhs	2,43,600
42 lakhs	43 lakhs	2,45,100
43 lakhs	44 lakhs	2,46,400
44 lakhs	45 lakhs	2,47,500
45 lakhs	46 lakhs	2,53,000
46 lakhs	47 lakhs	2,58,500
47 lakhs	48 lakhs	2,64,000
48 lakhs	49 lakhs	2,69,500
49 lakhs	50 lakhs	2,75,000
50 lakhs	51 lakhs	2,75,400
51 lakhs	52 lakhs	2,75,600
52 lakhs	53 lakhs	2,78,250
53 lakhs	54 lakhs	2,80,800
54 lakhs	55 lakhs	2,83,250
55 lakhs	56 lakhs	2,85,600
56 lakhs	57 lakhs	2,87,850
57 lakhs	58 lakhs	2,90,000
58 lakhs	59 lakhs	2,95,000
59 lakhs	60 lakhs	3,00,000
60 lakhs	61 lakhs	3,01,950
61 lakhs	62 lakhs	3,03,800
62 lakhs	63 lakhs	3,05,550
63 lakhs	64 lakhs	3,07,200
64 lakhs	65 lakhs	3,08,750
65 lakhs	66 lakhs	3,10,200
66 lakhs	67 lakhs	3,11,550
67 lakhs	68 lakhs	3,12,800
68 lakhs	69 lakhs	3,13,950
69 lakhs	70 lakhs	3,15,000
70 lakhs	71 lakhs	3,15,950
71 lakhs	72 lakhs	3,16,800
72 lakhs	73 lakhs	3,17,550
73 lakhs	74 lakhs	3,18,200
74 lakhs	75 lakhs	3,18,750
75 lakhs	76 lakhs	3,19,200
76 lakhs	77 lakhs	3,19,550
77 lakhs	78 lakhs	3,19,800
78 lakhs	79 lakhs	3,19,950
79 lakhs	80 lakhs	3,20,000
80 lakhs	81 lakhs	3,22,380
81 lakhs	82 lakhs	3,25,540
82 lakhs	83 lakhs	3,27,850
83 lakhs	84 lakhs	3,29,280
84 lakhs	85 lakhs	3,31,500
85 lakhs	86 lakhs	3,33,680
86 lakhs	87 lakhs	3,35,820
87 lakhs	88 lakhs	3,37,040
88 lakhs	89 lakhs	3,38,200
89 lakhs	90 lakhs	3,40,200
90 lakhs	91 lakhs	3,42,160

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(1)	(2)	(3)
91 lakhs	92 lakhs	3,44,080
92 lakhs	93 lakhs	3,45,960
93 lakhs	94 lakhs	3,47,800
94 lakhs	95 lakhs	3,48,650
95 lakhs	96 lakhs	3,49,440
96 lakhs	97 lakhs	3,50,170
97 lakhs	98 lakhs	3,52,800
98 lakhs	99 lakhs	3,53,430
99 lakhs	One crore	3,55,000

and thereafter the court fees shall be increased at the rate of rupees two thousand for every additional one lakh rupees or part thereof.

Amendment of Schedule II to Bom. XXXVI of 1959.

4. In the principal Act, in the schedule II,—

(1) in Article 1, in column 3,—

(a) for the words "Twenty naye paise", the words "One rupee" shall be substituted;

(b) for the words "Thirty-five naye paise", the words "One rupee" shall be substituted;

(c) for the words "Sixty-five naye paise", the words "Two rupees" shall be substituted;

(d) for the words "One rupee", the words "Five rupees" shall be substituted;

(e) for the words "Two rupees fifty naye paise", the words "Five rupees" shall be substituted;

(f) for the words "Fifty rupees", the words "Five hundred rupees" shall be substituted;

(g) for the words "Twenty rupees", the words "Two hundred rupees" shall be substituted;

(h) for the words "Five rupees", the words "Fifty rupees" shall be substituted;

(2) in Article 2, in column 3, for the words "Ten rupees", the words "Fifty rupees" shall be substituted;

(3) in Article 3, in column 3, for the words "Two rupees", the words "Five rupees" shall be substituted;

(4) in Article 4, in column 3, for the words "Fifty naye paise", the words "One rupee" shall be substituted;

(5) in Article 7, in column 3, for the words "One rupee", the words "Five rupees" shall be substituted;

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V of 1898. 2 of 1974. (6) in Article 9,—

(a) in column 1, for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;

(b) in column 3, for the words "One rupee twenty-five naye paise", the words "Two rupees" shall be substituted.

(7) in Article 10, in column 3, for the words "Twenty-five naye paise", the words "One rupee" shall be substituted;

(8) in Article 11, in column 3, for the words "One rupee twenty- five naye paise", the words "Three rupees" shall be substituted;

(9) in Article 12, in column 3,--

(a) for the words "One rupee", the words "Two rupees" shall be substituted;

(b) for the words "Two rupees", the words "Three rupees" shall be substituted;

(c) for the words "Four rupees", the words "Five rupees" shall be substituted;

(10) in Article 13, in column 3,--

(a) for the words "One rupee", the words "Two rupees" shall be substituted;

(b) for the words "Two rupees and fifty naye paise", the words "Ten rupees" shall be substituted;

(c) for the words "Five rupees", the words "Fifteen rupees" shall be substituted;

(11) in Article 14, in column 3,--

(a) for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(b) for the words "Twelve rupees fifty naye paise", the words "Fifty rupees" shall be substituted;

(12) in Article 15, in column 3, for the words "Fifty naye paise", the words "One rupee" shall be substituted;

(13) in Article 16, in column 3,--

(a) for the words "Five rupees", the words "Ten rupees" shall be substituted;
(b) for the words "One rupee", the words "Five rupees"shall be substituted;

(14) in Article 17, in column 3, for the words "Thirty-seven rupees fifty naye paise", the words "Fifty rupees" shall be substituted;

(15) in Article 18, in column 3,--

(a) for the words "Fifteen rupees", the words "Fifty rupees"shall be substituted;

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(b) for the words "Two rupees fifty naye paise", the words "Five rupees" shall be substituted;

(c) for the words "Six rupees twenty-five naye paise", the words "Ten rupees" shall be substituted;

(d) for the words "Twelve rupees fifty naye paise" occuring at three places, the words "Twenty rupees" shall be substituted;

(16) in Article 20, in column 3, for the words "Thirty-seven rupees fifty naye paise", the words "Forty rupees" shall be substituted;

(17) in Article 21, in column 3, for the words "Thirty-seven rupees fifty naye paise", the words "Forty rupees" shall be substituted;

(18) in Article 22, in column 3, for the words "Two rupees", the words "Five rupees" shall be substituted;

(19) in Article 23, in column 3,--

(a) for the words "Thirty-seven rupees fifty naye paise" occuring at four places, the words "Forty rupees" shall be substituted;

(b) for the words "Eighteen rupees seventy-five naye paise", the words "Twenty rupees" shall be substituted;

(c) for the words "Thirty rupees", the words "Two hundred rupees" shall be substituted;

(20) in Article 24, in column 3,--

(a) for the words "One rupee", the words "Two rupees" shall be substituted;

(b) for the words "Two rupees", the words "Five rupees" shall be substituted;

(21) in Article 25, in column 3,--

(a) for the words "Two rupees", the words "Five rupees" shall be substituted;

(b) for the words "Three rupees", the words "Five rupees" shall be substituted;

(c) for the words "Six rupees", the words "Ten rupees" shall be substituted;

(22) in Article 26, in column 3, for the words "One rupee twenty- five naye paise", the words "Two rupees" shall be substituted;

(23) in Article 27, in column 3, for the words "Sixty-five naye paise", the words "One rupee" shall be substituted;

(24) in Article 28, in column 3, for the words "Two rupees", the words "Five rupees" shall be substituted;

(25) in Article 29, in column 3, for the words "One rupee", the words "Two rupees" shall be substituted;

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(26) in Article 30, in column 3, for the words "One rupee", the words "Two rupees" shall be substituted;

(27) in Article 31, in column 3, for the words "One rupee", the words "Two rupees" shall be substituted;

(28) in Article 32,--

IV of 1939. 59 of 1988.

(a) in column 1, for the words, letters and figures "Chapter IV of the Motor Vehicles Act, 1939" the words, letter and figures "Chapter V of the Motor Vehicles Act, 1988" shall be substituted:

(b) in column 3, for the words "Five rupees", the words "Ten rupees" shall be substituted;

(29) in Article 33,--

(a) in column 1, the brackets and words "(of Ahmedabad)" shall be deleted;

(b) in column 3,--

(i) for the words "Ten rupees", the words "Fifty rupees" shall be substituted;

(ii) for the words "Fifty rupees", the words "One hundred rupees" shall be substituted;

(iii) for the words "One hundred rupees", the words "Five hundred rupees" shall be substituted;

(30) in Article 34, in column 3,--

(a) for the words "Fifty rupees", the words "One hundred rupees" shall be substituted;

(b) for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(31) in Article 35, in column 3,--

(a) for the words "Two rupees fifty naye paise" occuring at two places, the words "Ten rupees" shall be substituted;

(b) for the words "Five rupees", the words "Ten rupees" shall be substituted;

(c) for the words "One rupee", the words "Ten rupees" shall be substituted;

(32) in Article 36, in column 3, for the words "Five rupees", the words "Twenty rupees" shall be substituted;

(33) in Article 37,—

V of 1898. 2 of 1974.

(a) in column 1, for the words and figures "Code of Criminal Procedure Code, 1898", the words and figures "Criminal Procedure Code, 1973" shall be substituted;

(b) in column 3, for the words "One rupee", the words "Ten rupees" shall be substituted;

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(34) after Article 38, the following new Article shall be added, namely :—

1	2	3
"39. Application for adjournment presented to the Court in any proceedings.	..	Five rupees".

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Extra No. 4 REGISTERED NO. G/GNR/2

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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART—IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 26th March, 1996 is hereby published for general information.

SMT. K. R. TRIVEDI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 1996

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*" on the 26th March, 1996).

AN ACT

further to amend the Bombay Court-fees (Gujarat Amendment) Act, 1995.

It is hereby enacted in the Forty-seventh Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Bombay Court-fees (Gujarat Amendment) Amending Act, 1996.

(2) It shall be deemed to have come into force on the 28th August, 1995.

Rescission of Notification dated 3rd August, 1995 and revival of provisions of principal Act.

Guj. 12 of 1995.

Bom. XXXVI of 1959.

2. The Government Notification in the Legal Department No. GK/19/95/CFA/1002/1205/I dated the 3rd August, 1995 issued under sub-section (2) of section 1 of the Bombay Court-fees (Gujarat Amendment) Act, 1995 (hereinafter referred to as "the amending Act") shall be and shall be deemed always to have been rescinded and on such rescission, the express insertion and substitution made in the Bombay Court-fees Act, 1959 (hereinafter referred to as "the principal Act") by the amending Act shall cease to have effect and the provisions of the principal Act existing immediately before such insertion or substitution shall stand revived and shall have the same force and effect as they had immediately before such amendments.

Amendment of section 1 of Guj. 12 of 1995.

3. In the amending Act, in section 1, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.".

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Repeal and savings.

4. (1) The Bombay Court-fees (Gujarat Amendment) Amending (Second) Ordinance, 1995 is hereby repealed. Guj. Ord. 5 of 1995.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Act.

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29th March, 2003 is hereby published for general information.

V. M. KOTHARE,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 18 OF 2003.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*", on the 31st March, 2003).

AN ACT

further to amend the Bombay Court - fees Act, 1959.

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows :-

Short title and commencement

1. (1) This Act may be called the Bombay Court-fees (Gujarat Amendment) Act, 2003.

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

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Amendment of section 6 of Bom. XXXVI of 1959.

2. In the Bombay Court -fees Act, 1959 (hereinafter referred to as "the principal Act"), in section 6, -

(i) in clause (iv),-

(a) in sub-clause (a), for the words " fifteen rupees", the words "thirty rupees" shall be substituted;

(b) in sub-clause (d),-

(i) for words " eighteen rupees and seventy- five *naye paise*", the words "forty rupees" shall be substituted;

(ii) in the proviso, for the words " fifteen rupees", the words "thirty rupees" shall be substituted;

(c) in sub-clause (e), for the existing Table, the following Table shall be substituted, namely :-

"TABLE

AREA (1)		FEES (2)
(a)	The area within the limits of the Municipal Corporation	One fourth of the *advalorem* fee leviable for a suit for possession of the servient tenement or the dominant tenement, whichever is less subject to a minimum fee of Rs. 30/-
(b)	Area within the limits of the Municipality	One-sixth of the *ad valorem* fee leviable for a suit for possession of the servient tenement or the dominant tenement, whichever is less, subject to a minimum fee of thirty rupees.
(c)	Any other area in the State of Gujarat.	Thirty rupees;".

(d) in sub-clause (f),-

(i) for the words "thirty rupees ", the words "sixty rupees" shall be substituted;

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(ii) in the proviso, for the words " fifty rupees", the words "one hundred rupees" shall be substituted;

(e) after sub-clause (h), the following sub-clauses shall be inserted , namely :-

For avoidance of sale, contract for sale etc.

"**(ha)** In suits for declaration that any sale or contract for sale or termination of the contract for sale, of any moveable or immoveable property is void - one half of *ad valorem* fee leviable on the value of the property;

For avoidance of acquisition proceedings.

(hb). In suits for declaration that any proceedings for compulsory acquisition of any moveable or immoveable property are void – one half of ad valorem fee leviable on the value of the property ;";

(f) in sub-clause (i), for the words "twenty rupees", the words "one hundred rupees" shall be substituted;

(g) in sub-clause (j) , for the words "thirty rupees", the words "one hundred rupees" shall be substituted;

(2) in clause (v), -

(a) in sub-clause (a), for the words "twelve and a half times" , the words " twenty times" shall be substituted;

(b) in sub-clause (b), for the words, "twenty times" , the words " forty times " shall be substituted;

(c) in sub-clause (c) , for the words "twenty times", the words "forty times" shall be substituted;

(3) in clause (viii), for the words " fifteen times", the words "thirty times" shall be substituted.

Amendment of Schedule I to Bom. XXXVI of 1959.

3. In the principal Act, in Schedule I , -

(1) for Article l, the following shall be substituted, namely:-

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"1.	Plaint or memorandum of appeal (not otherwise provided for in this Act) or, of cross objection presented to any Civil or Revenue Court.	When the amount or value the subject matter in dispute does not exceed one hundred rupees.	Twenty rupees.
		When such amount or value exceeds one hundred rupees for every ten rupees, or part thereof, in excess of one hundred rupees, upto one thousand rupees.	Two rupees
		When such amount or value exceeds one thousand rupees, for every hundred rupees, or part thereof, in excess of one thousand rupees, upto ten thousand rupees.	Twenty rupees
		When such amount or value exceeds ten thousand rupees, for every one thousand rupees, or part thereof, in excess of ten thousand rupees, upto one lakh of rupees.	One hundred twenty rupees
		When such amount or value exceeds one lakh of rupees, for every ten thousand rupees, or part thereof, in excess of one lakh rupees:	Two hundred rupees
		Provided that the maximum fee leviable on the plaint or memorandum of appeal or of cross objection shall be seventy- five thousand rupees.";	

(2) for article 10, the following shall be substituted, namely :-

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"10.	Probate of a will or letters of administration with or without will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, upto fifty thousand rupees. When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, upto two lakhs rupees. When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakh rupees, on the part of the amount or value in excess of two lakhs rupees, upto three lakhs of rupees. When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs rupees, on the part of the amount or value in excess of three lakhs of rupees: Provided that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925, or under Bombay Regulation VIII of 1827 or any corresponding law for the

XXIX of 1925.

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time being in force, 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 latter grant shall be reduced by the amount of the fee paid in respect of the former grant;".

(3) in Article 13, in column 3, for the words "thirty rupees", the words "sixty rupees" shall be substituted;

(4) in Article 15, in column 3, for the words "fifteen rupees", the words "thirty rupees" shall be substituted;

(5) in Article 16, in column 3, for the words "fifty rupees", the words "one hundred rupees" shall be substituted;

(6) in Article 17, in column 3, for the words "fifty rupees", the words "one hundred rupees" shall be substituted;

(7) for the existing Table appearing after Article 17, the following shall be substituted, namely :-

"Table of rates of *ad valorem* fees leviable on the institution of suits.

When the amount of value of the subject matter exceeds	But does not exceed	Proper fee
Rs.	Rs.	Rs.
1	1000	10
1000	2000	200
2000	3000	300
3000	4000	400
4000	5000	500
5000	6000	600
6000	7000	700
7000	8000	800
8000	9000	900
9000	10000	1000

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10000	15000	1250
15000	20000	1500
20000	21000	1525
21000	22000	1600
22000	23000	1675
23000	24000	1750
24000	25000	1825
25000	26000	1900
26000	27000	1975
27000	28000	2050
28000	29000	2125
29000	30000	2200
30000	32000	2375
32000	34000	2500
34000	36000	2650
36000	38000	2800
38000	40000	2950
40000	42000	3100
42000	44000	3250
44000	46000	3400
46000	48000	3550
48000	50000	3700
50000	55000	4000
55000	60000	4300
60000	65000	4600
65000	70000	4900
70000	75000	5200

and the fees increases at the rate of Rs. 150 for every Rs.5,000 or part thereof, upto Rs.1,00,000 and over Rs. 1,00,000 at the rates of Rs. 200 for every rupees 10,000 or part thereof, upto Rs.10,00,000 and over Rs. 10,00,000 at the rate of Rs. 1,200 for every Rs.1,00,000 or part thereof, upto Rs.20,00,000 and over Rs. 20,00,000 at the rate of Rs.500 for every Rs.1,00,000 or part thereof, upto a maximum fee of Rs.75,000, for example

Rs.	Rs.
100000	5950
200000	7950
300000	9950
400000	11950
500000	13950
600000	15950

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700000	17950
800000	19950
900000	21950
1000000	23950
1100000	25150
1200000	26350
1300000	27550
1400000	28750
1500000	29950
1600000	31150
1700000	32350
1800000	33550
1900000	34750
2000000	35950
2100000	36450
2200000	36950"

Amendment of Schedule II to Bom. XXXVI of 1959.

4. In the principal Act, in Schedule II , -

(1) in Article I, in column 3 , -

(a) for the words " Twenty *naye paise*", the words " Ten rupees" shall be substituted;

(b) for the words "Thirty - five *naye paise* ", the words "Ten rupees" shall be substituted;

(c) for the words "Sixty- five *naye paise* " , the words " Twenty rupees" shall be substituted;

(d) for the words "One rupee", the words " Fifty rupees" shall be substituted;

(e) for the words " Two rupees fifty naye paise" , the words "One hundred rupees" shall be substituted;

(f) for the words " Fifty rupees", the words " One hundred rupees" shall be substituted;

(g) for the words "Twenty rupees", the words "Fifty rupees" shall be substituted;

(h) for the words "Five rupees", the words "Twenty rupees" shall be substituted;

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(2) in Article 2, in column 3, for the words " Ten rupees", the words "Fifty rupees" shall be substituted;

(3) in Article 3, in column 3 , for the words "Two rupees", the words "Five rupees" shall be substituted;

(4) in Article 4, in column 3, for the words "Fifty *naye paise*", the words "Two rupees" shall be substituted;

(5) in Article 5 , in column 3 , for the words "One rupee",. the words " Five rupees" shall be substituted;

(6) in Article 6, in column 3 , -

(a) for the words "Two rupees", the words "Ten rupees" shall be substituted;

(b) for the words "Five rupees", the words "Twenty rupees" shall be substituted;

(7) in Article 7, in column 3 , for the words " One rupee", the words "Ten rupees" shall be substituted;

(8) in Article 8, in column 3, for the words " One rupee", the words "Ten rupees" shall be substituted;

(9) In Article 9, in column 3, for the words "One rupee twenty -five *naye paise*", the words "Five rupees"shall be substituted;

(10) in Article 10, in column 3 , for the words "Twenty -five *naye paise*", the words "Two rupees" shall be substituted;

(11) in Article 11, in column 3, for the words "One rupee twenty-five *naye paise*" , the words "Five rupees" shall be substituted;

(12) in Article 12, in column 3 , -

(a) for the words " One rupee", the words "Two rupees" shall be substituted;

(b) for the words " Two rupees", the words "Three rupees " shall be substituted;

(c) for the words "Four rupees" , the words "Five rupees" shall be substituted;

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(13) in Article 13, in column 3, -

(a) for the words " One rupee", the words "Two rupees" shall be substituted;

(b) for the words "Two rupees fifty *naye paise*", the words "Five rupees" shall be substituted;

(c) for the words "Five rupees", the words "Ten rupees" shall be substituted;

(14) in Article 14, in column 3 , -

(a) for the words "Ten rupees" , the words "Twenty rupees"shall be substituted;

(b) for the words "Twelve rupees fifty *naye paise*" , the words "Fifty rupees" shall be substituted;

(15) in Article 15, in column 3, for the words "Fifty *naye paise*" , the words "Five rupees" shall be substituted;

(16) in Article 16, in column 3 , -

(a) for the words " Five rupees", the words "Ten rupees" shall be substituted;

(b) for the words "One rupee", the words " Five rupees" shall be substituted;

(17) in Article 17, in column 3, for the words "Thirty -seven rupees fifty *naye paise*", the words "Fifty rupees" shall be substituted;

(18) in Article 18, in column 3 , -

(a) for the words "Fifteen rupees", the words "One hundred rupees" shall be substituted;

(b) for the words "Two rupees fifty *naye paise*", the words " Twenty five rupees" shall be substituted;

(c) for the words "Six rupees twenty -five *naye paise*", the words "Fifty rupees" shall be substituted;

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(d) for the words "Twelve rupees fifty *naye paise*", occurring at two places against items (c) and (d) , the words "One hundred rupees " shall be substituted;

(e) for the words "Twelve rupees fifty *naye paise*" against item (e), the words "Fifty rupees" shall be substituted;

(19) in Article 19, in column 3, for the words "Twenty- five rupees", the words "Fifty rupees" shall be substituted;

(20) in Article 20, in column 3 , for the words "Thirty-seven fifty *naye paise*", the words "Fifty rupees" shall be substituted;

(21) in Article 21, in column 3 , for the words "Thirty -seven rupees fifty *naye paise*", the words "Fifty rupees "shall be substituted;

(22) in Article 22, in column 3, for the words " Two rupees", the words "Fifty rupees" shall be substituted;

(23) in Article 23, in column 3 ,-

(a) for the words "Thirty -seven rupees fifty *naye paise*" , occurring at four places, the words "Fifty rupees" shall be substituted;

(b) for the words "Eighteen rupees seventy- five *naye paise*" the words "Twenty rupees" shall be substituted;

(c) for the words "Thirty rupees", the words "One hundred rupees" shall be substituted;

(24) in Article 24, in column 3, -

(a) for the words " One rupee", the words "Two rupees" shall be substituted;

(b) for the words "Two rupees", the words "Five rupees" shall be substituted;

(25) in Article 25, in column 3, -

(a) for the words "Two rupees", the words "Five rupees" shall be substituted;

(b) for the words "Three rupees", the words "Ten rupees" shall be substituted;

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(c) for the words "Six rupees", the words "Fifteen rupees" shall be substituted;

(26) in Article 26, in column 3 , for the words "One rupee twenty -five *naye paise*" , the words "Ten rupees" shall be substituted;

(27) in Article 27, in column 3, for the words "Sixty -five *naye paise*", the words "Two rupees" shall be substituted;

(28) in Article 28, in column 3, for the words "Two rupees", the words "Ten rupees" shall be substituted;

(29) in Article 29, in column 3 , for the words " One rupee" , the words "Five rupees" shall be substituted;

(30) in Article 30 , in column 3, for the words "One rupee" the words "Five rupees" shall be substituted;

(31) in Article 31, in column 3 , for the words "One rupee", the words "Five rupees" shall be substituted;

(32) in Article 32, in column 3, for the words " Five rupees", the words "Ten rupees" shall be substituted;

(33) in Article 33, -

(a) in column 1, the words and brackets "(of Ahmedabad)" shall be deleted;

(b) in column 3, -

(i) for the words " Ten rupees", the words "Fifty rupees" shall be substituted;

(ii) for the words "Fifty rupees", the words " One hundred rupees"shall be substituted;

(iii) for the words " One hundred rupees", the words "Five hundred rupees" shall be substituted;

(34) in Article 34, in column 3 , -

(a) for the words "Fifty rupees", the words "One hundred rupees" shall be substituted;

(b) for the words "Ten rupees", the words " Fifty rupees" shall be substituted;

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(35) in Article 35, in column 3,-

(a) for the words "Two rupees fifty *naye paise*" occurring at two places, the words "Ten rupees" shall be substituted ;

(b) for the words " Five rupees", the words " Ten rupees" shall be substituted;

(c) for the words "One rupee", the words "Ten rupees" shall be substituted;

(36) in Article 36, in column 3, for the words "Five rupees", the words "Twenty rupees" shall be substituted;

(37) in Article 37, in column 3, for the words "One rupee", the words "Twenty rupees" shall be substituted;

(38) after Article 38, the following new Article shall be added, namely :-

1	2	3
"39. Application for adjournment presented to the court in any proceedings	.....	Two rupees. ".

Guj. 12 of 1995.

5. The Bombay Court-fees (Gujarat Amendment) Act, 1995 is hereby repealed. **Repeal.**

Government Central Press, Gandhinagar.