

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 30th January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 5 of 2017

A Bill further to amend the Tamil Nadu Court-fees and Suits Valuation Act, 1955.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Court-fees and Suits Valuation (Amendment) Act, 2017.

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

Substitution of section 7.

2. For section 7 of the Tamil Nadu Court-fees and Suits Valuation Act, 1955 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

“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.

Explanation.—For the purpose of this section, “market value” means the market value fixed under section 47-AA of the Indian Stamp Act, 1899 (Central Act II of 1899):

Provided that in cases where the plaintiff assess the value of the immovable property at a lesser amount than the market value, he shall give adequate reasons as to why the market value fixed under section 47-AA of the Indian Stamp Act, 1899 (Central Act II of 1899) does not represent the real market value of that immovable property.

(2) The assessment made by the plaintiff shall be accepted by the court at the initial stage of numbering the suit, subject to objection that may be raised by the other party to the litigation.”.

3. For section 21-A of the principal Act, the following section shall be substituted, namely:—

Substitution of section 21-A

“21-A. Fee to be computed to the nearest rupee.— In the determination and computation of the amount of fee payable under this Act, any fraction of a rupee be rounded off to one rupee.”.

4. In section 25 of the principal Act,—

Amendment of section 25.

(1) in clause (a), for the expression “rupees one thousand and five hundred”, the expression “rupees five thousand” shall be substituted;

(2) in clause (b), for the expression “rupees one thousand”, the expression “rupees five thousand” shall be substituted;

(3) in clause (c), for the expression “rupees two thousand”, the expression “rupees five thousand” shall be substituted;

(4) after clause (c), the following clause shall be inserted, namely:—

“(cc) where a defence of adverse possession is made, the same shall be treated as a counter claim and fee shall be computed on the market value of the immovable property;”;

(5) in clause (d), for the expression “rupees one thousand”, the expression “rupees five thousand” shall be substituted.

Amendment of section 30.

5. In section 30 of the principal Act,—

(1) for the expression “rupees one thousand”, the expression “rupees five thousand” shall be substituted;

(2) the following proviso shall be added, namely:—

“Provided that in cases where a defence of adverse possession is made, the same shall be treated as a counter claim and fee shall be computed on the market value of the immovable property.”.

Amendment of section 37.

6. In section 37 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(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:—

When the plaint is presented to—

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| (i) the High Court; | Rupees ten thousand. |
| (ii) Courts other than High Court. | Rupees five thousand.”. |

Insertion of new section 53A.

7. After section 53 of the Principal Act, the following section shall be inserted, namely:—

“53-A Fee on appeals from transfer suits.—

(1) The fee payable on appeals from transferred suits shall be the fee paid or payable on the suit whichever is less.

(2) The fee payable in appeals from suits transferred from the High Court in its original jurisdiction to the City Civil court shall be the fee paid before the High Court. The fee on the appeal shall not be calculated on the higher fee payable as if the plaint originally been filed before the City Civil Court.”.

Amendment of section 69.

8. In section 69 of the principal Act, for the expression “half the amount”, the expression “full amount” shall be substituted.

Substitution of section 69A.

9. For section 69-A of the principal Act, the following section shall be substituted, namely:—

“69-A. Refund on settlement of disputes under section 89 of Code of Civil Procedure.—Where the Court refers the parties to the suit to any of the modes of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 (Central Act V of 1908), the fee paid shall be refunded upon such reference. Such refund need not await for settlement of the dispute.”.

Insertion of new section 74A.

10. After section 74 of the principal Act, the following section shall be inserted, namely:—

“74-A. Mandatory costs.— In frivolous or speculative litigation, the court shall award cost to the winning party, which shall be the actual cost or equal to the value of court-fee paid by the winning party whichever is less.”.

11. In Schedule I to the principal Act,—

Amendment of
Schedule I

(1) for the entries in columns (2) and (3) against Article 1 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Plaint or written statement pleading a set off or counter claim or memorandum of appeal presented to any Court.	Three per cent of the amount or value of the subject matter in dispute.”;
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(2) for the entries in columns (2) and (3) against Article 6 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Probate of a will or letters of administration with or without will annexed.	Three per cent on the amount or value of the estate in respect of which the grant of probate or letters of administration is made, subject to a maximum of twenty-five thousand rupees.”.
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12. In Schedule II to the principal Act,—

Amendment of
Schedule II

(1) for the entries in columns (2) and (3) against Article 3 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Memorandum of appeal from an order inclusive of an order determining any question under section 144 of the Code of Civil Procedure, 1908, and not otherwise provided for when presented—

(i) to any Court other than the High Court or to Government or to any Executive Officer other than the Government or the Appropriate Authority specified in the notification under sub-section (1) of section 4 of the Tamil Nadu Board of Revenue Abolition Act, 1980 or Chief Executive Authority;	One hundred rupees.
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(ii) to the High Court.	Two thousand rupees.”;
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(2) for the entries in columns (2) and (3) against Article 4 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Application for setting aside arbitral award and for enforcement of the foreign award under the Arbitration and Conciliation Act, 1996.	Three per cent of the value for jurisdiction subject to a maximum of one lakh rupees.”;
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(3) in Article 11,—

(i) for the entry “Two rupees” in column (3), against item (g) in column (2) thereof, the entry “Twenty rupees” shall be substituted;

(ii) for items (h) and (i) in column (2) and the entries relating thereto in column (3), the following shall be substituted, namely:—

“(h) Application for arrest or attachment before judgment or for temporary injunction when presented to any Court. Twenty rupees.”

“(i) Application or petition under section 47 and order XXI, rules 58 and 90 of the Code of Civil Procedure, 1908 filed in any Court. Twenty rupees.”;

(iii) for the entry “One per cent of value of the subject matter, subject to a maximum of rupees five thousand”, in column (3) against item (m) in column (2) thereof, the entry “three per cent of the value of the subject matter subject to a maximum of rupees one lakh” shall be substituted;

(iv) for item (o) in column (2) and the entries relating thereto in column (3), the following shall be substituted, namely:—

“(o) Revision petition presented to the High Court under section 115 of the Code of Civil Procedure, 1908 or under section 25 of the Provincial Small Cause Courts Act, 1887 or under the provisions of any other Act, arising out of a suit or proceeding. Two hundred rupees.”;

(v) for item (p) in column (2) and the entries relating thereto in column (3), the following shall be substituted, namely:—

“(p) Revision petition presented to a District Court. Two hundred rupees.”;

(vi) for item (r) in column (2) and the entries relating thereto in column (3), the following shall be substituted, namely:—

“(r) (i) Petition to the High Court under Article 226 of the Constitution for a Writ other than Writ of Habeas Corpus. One thousand rupees.”

“(ii) Petition to the High Court under Article 227 of the Constitution. Five hundred rupees.”;

(vii) for the entry “Ten rupees” in column (3) against item (s) in column (2) thereof, the entry “Twenty rupees” shall be substituted;

(4) for the entries in columns (2) and (3) against Article 16 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Mukhtarnama, Vakalatnama or any paper signed by an advocate signifying or intimating that he is retained for a party, when presented to any Court. Ten rupees.”;

(5) for the entries in columns (2) and (3) against Article 18 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Caveat. Twenty rupees.”;

(6) for the entries in columns (2) and (3) against Article 19 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“For each memorandum of appearance in Ten rupees.”;
Criminal Courts including High Court.

(7) For the entry “Twenty five rupees for every rupees fifty thousand subject to a maximum of one thousand rupees” in column (3) against Article 20 in column (1) thereof, the entry “Half per cent ad valorem, subject to a maximum of rupees ten thousand” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Hon'ble High Court of Madras in its order dated 28.11.2014 in W.P.No.31249/2014, among other things constituted a Committee under the Chairmanship of Justice Thiru K. Sampath (Retd) to suggest the rationalization of the Court-fees structure. The Committee addressed the anomalies in the Tamil Nadu Court-fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) and submitted its report to the Hon'ble High Court with its recommendations suggesting amendments to the said Tamil Nadu Act XIV of 1955. The Hon'ble High Court directed the Government to pass necessary orders on the recommendations of the Committee. Based on the recommendations of the said Committee, the Government have decided to bring necessary amendments to the said Tamil Nadu Act XIV of 1955.

2. The Bill seeks to give effect to the above decision.

C.Ve. SHANMUGAM,
Minister for Law, Courts and Prisons.

A.M.P. JAMALUDEEN,
Secretary.