



## THE COURT-FEES ACT, 1870



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**SCHEDULES**

# <sup>1</sup>THE COURT-FEES ACT, 1870<sup>2</sup>

<sup>3</sup>Act No. VII of 1870

[11th March, 1870]

## CHAPTER I

### PRELIMINARY

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

**Extent of Act.** It extends to <sup>4</sup>[the whole of Pakistan].

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

<sup>5</sup>[**1A. Definition of “Appropriate Government”.** In this Act "the Appropriate Government" means, in relation to fees or stamps relating to documents presented or to be presented before any officer serving under the <sup>6</sup>[Federal Government,] that Government, and in relation to any other fees or stamps, the Provincial Government.]

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<sup>1</sup>This Act has also been amended in its application in the province of Sind by Sind Ordinance No.XIII of 1978 and Sind Ordinance I of 1984.

<sup>2</sup>This Act has also been amended in its application to the province of N.W.F.P. by (1) N.W.F.P.Ord.IV of 1978 (2) N.W.F.P.Ord.XVII of 1980 (3) N.W.F.P. Ord.IV of 1982.(4) N.W.F.P.Ord.IV of 1984.

This Act has further been amended in its application to the province of Baluchistan by Baluchistan Ord. III of 1984.

\*The Punjab Notification No.5487/78/1809-St-I, dated 29<sup>th</sup> July, 1978 has further been amended by the Punjab Notification No.553-80/248-st-I, please Punjab Gazette Extraordinary, 1980 Page 222, dated the 4<sup>th</sup> February, 1980.

<sup>3</sup>For Statement of Objects and Reasons. see Gazette of India, 1869. Pt. V, p. 57; for Proceedings in Council. see *ibid.*, 1869. Supplement, pp. 1179 and 1452 ; *ibid.*, 1870, Supplement, pp. 52, 378, 421, 427 and 434.

For abolition of court-fees in 'criminal cases' and in 'civil suits' involving amounts not exceeding twenty-five thousand rupees. see Sind Ordinance 13 of 1978; N.W.F.P.Ordinance 14 of 1978; Government of Baluchistan Notification No.5-10/77-Admn : Law/1684, dated the 27<sup>th</sup> July, 1978 (Baluchistan Gazette, Ext. 1978, Issue No. 59) ; and Govt. of the Punjab Notification No. 5487-78/1809-St-I, dated the 29<sup>th</sup> July, 1978 (Punjab Gazette, Ext. 1978, p. 1097).

The Act has been locally amended in the Provinces. For amending enactment, see the respective local Codes.

It has been declared to be in force in Baluchistan, by the British Baluchistan Laws Regulation, 1913 (2 of 1913). s. 3.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N. W.F.P, subject to certain modifications; see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

The Act as in force in the North-West Frontier Province immediately before the commencement of N.W.F.P., Regulation No. II of 1974. has been applied to the Provincially Administered Tribal Areas of Chitral, Dir, Kalan, Swat and Malakand Protected Area, by the N.W.F.P., Regulation No. II of 1974, s.3.

The Act has been amended in its application to the Province of Punjab, by Punjab Act XIV of 1973. s. 8. Pb Ord. 14 of 1981 & 10 of 1983.

The Act has also been amended in its application to the Province of Sind, by Sind Act XV of 1975, s. 2.

It has been extended to the Excluded Area of Upper Tanawal other than Phulera by the N.-W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950 and declared to be in force in that area with effect from the 1st June, 1951, see N.W.F.P. Gazette, Extra ordinary, dated 1-6-1951.

The Act has been amended in its application to the Province of Sind, see Sind Act No. X of 1939 and Sind Ord. 13 of 1978 and I of 1984.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O 3 of 1950) ; and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

\*This Act has also been amended in its application to the province of Punjab by Punjab Ordinance XIV of 1981 and Ordinance X of 1983.

<sup>4</sup>Subs. by the Central Laws (Statute Reform) Ordinance. 1960 (21 of 1960), s. 3 and 2nd Sch.(with effect from the 14th October, 1955). for" all the Provinces and the Capital of the Federation" which was previously subs. for "the whole of British India" by A. O., 1949, Arts. 3(2) and 4.

<sup>5</sup>Section 1A ins. by A. O., 1937. The expression "Appropriate Govt." occurs in ss. 26, 27, 34 and 35.

<sup>6</sup>Subs. by F. A. O., 1975, Art. 2 and Table.

<sup>1</sup>2. [*"Chief Controlling Revenue-authority" defined.*] Rep. by A. 0., 1937.

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## CHAPTER II

### FEES IN THE HIGH COURTS <sup>2</sup>\* \* \*

**3. Levy of fees in High Courts on their original sides.** The fees payable for the time being to the clerks and officers (other than the sheriffs and attorneys) of the <sup>3</sup>[High Courts];

or chargeable in each of such Courts under No. 11 of the first, and Nos. 7, 12, 14, <sup>4</sup>\*, 20 and 21 of the second schedule to this Act annexed ;

5\*            \*            \*            \*            \*            \*            \*

shall be collected in manner hereinafter appearing.

**4. Fees on documents filed, etc., in High Courts in their extra-ordinary jurisdiction;** No document of any of the kinds specified in the first or second schedule to this Act annexed, as chargeable with fees, shall be filed, exhibited or recorded in, or shall be received or furnished by, any of the <sup>6</sup>\* High Courts in any case coming before such Court in the exercise of its extraordinary original civil jurisdiction;

or in the exercise of its extraordinary original criminal jurisdiction ;

**in their appellate jurisdiction;** or in the exercise of its jurisdiction as regards appeals from the <sup>7</sup>[judgments (other than judgments passed in the exercise of the ordinary original Civil Jurisdiction of the Court) of one] or more Judges of the said Court, or of a division Court ;

or in the exercise of its jurisdiction as regards appeals from the Courts subject to its superintendence ;

**as Courts of reference and revision.** or in the exercise of its jurisdiction as a Court of reference or revision ;

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<sup>1</sup>The original s. 2 relating to repeal of enactments was rep. by the Repealing Act, 1870 (14 of 1870). A section defining "Chief Controlling Revenue authority" was added by s. 2 of the Court-fees (Amendment) Act, 1901 (10 of 1901), and was slightly amended by the Repealing and Amending Act, 1917 (24 of 1917). For the definition of the "Chief Controlling Revenue-authority" see now the General Clauses Act, 1897 (10 of 1897), s. 3 (9a).

<sup>2</sup>The words "AND IN THE COURTS OF SMALL CAUSES AT THE PRESIDENCY TOWNS" omitted by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

<sup>3</sup>The original words and figures as amended by the Repealing and Amending Act, 1917 (24 of 1917), s. 2 and 1st Sch. and A. 0., 1937, have successively been amended by A. 0., 1949, Sch. and Ordinance 21 of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955), to read as above.

<sup>4</sup>The number "16" rep. by the Amending Act, 1891 (12 of 1891).

<sup>5</sup>The words "and the fees for the time being chargeable in the Courts of Small Causes at the Presidency-towns, and their several offices" omitted by A. 0., 1949, Sch.

<sup>6</sup>The word "said" omitted by Ordinance 21 of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

<sup>7</sup>Subs. by the Court-fees (Amendment) Act, 1922 (19 of 1922), s. 2. for judgment of two.