

The Court-fees Act, 1870

(ACT NO. VII OF 1870)

CHAPTER I PRELIMINARY

Short title	1. This Act may be called the Court-fees Act, 1870.
Extent of Act	It extends to the whole of ² [Bangladesh];
Commencement of Act	And it shall come into force on the first day of April, 1870.
[Omitted]	1A. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973(Act No. VIII of 1973).]
Definitions	<p>2. In this Act, unless there is anything repugnant in the subject or context,</p> <p>(1) "Appeal" includes a cross-objection;</p> <p>(2) [Omitted by 1st Schedule of the East Pakistan Repealing and Amending Ordinance, 1962 (Ordinance No. XIII of 1962).]</p> <p>(3) "Collector" includes any officer not below the rank of Sub-Deputy Collector appointed by the Collector to perform the functions of a Collector under this Act;</p> <p>(4) "Suit" includes an appeal from a decree except in section 8A.</p>

CHAPTER II FEES PAYABLE IN COURTS AND IN PUBLIC OFFICES

**Levy of fees
in the High
Court
Division on
their
original
sides**

3. The fees payable for the time being to the clerks and officers (other than the sheriffs and attorneys) of the ³[High Court Division];
or chargeable ⁴[* * *] under No. 11 of the first, and Nos. 7, 12, 14, 20 and 21 of the Second Schedule to this Act annexed;
⁵[* * *] shall be collected in manner hereinafter appearing.

**Fees on
documents
filed, etc., in
the High
Court
Division in
their
extraordinary
jurisdiction;**

4. 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, the ⁶[High Court Division] in any case coming before such Court in the exercise of its extraordinary original civil jurisdiction; or in the exercise of its extraordinary original criminal jurisdiction;

**in their
appellate
jurisdiction;**

or in the exercise of its jurisdiction as regards appeals from the judgments (other than judgments passed in the exercise of the ordinary original civil jurisdiction of the Court) of one or more judges of the said Court, or of a Division Court;

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

**as Courts
of reference
and
revision**

or in the exercise of its jurisdiction as a Court of reference or revision;
unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said Schedules as the proper fee for such document.

**Procedure
in case of
difference
as to
necessity
or amount
of fee**

5. When any difference arises between the officer whose duty it is to see that any fee is paid under this chapter and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in the High Court Division, be referred to the taxing-officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the ⁷[Chief Justice of the Supreme Court], or of ⁸[such

Judge of the Supreme Court] as the Chief Justice shall appoint either generally or specially in this behalf.

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

Fees on documents filed, etc., in Mufassil Courts or in public offices

6. (1) Except in the Courts hereinbefore mentioned no document of any of the kinds specified as chargeable in the first or second schedule to this Act annexed shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there has been paid a fee of an amount not less than indicated by either of the said Schedules as the proper fee for such document.

(2) Notwithstanding anything contained in sub-section (1) or in any other Act, a Court may receive a plaint or memorandum

of appeal in respect of which an insufficient fee has been paid, subject to the condition that the plaint or memorandum of appeal shall be rejected unless the plaintiff or appellant, as the case may be, pays to the Court within a time to be fixed by the Court such reasonable sum on account of court-fees as the Court may direct.

CHAPTER III COMPUTATION OF FEES

Computation of fees payable in certain suits

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

(i) for money;

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

(ii) for maintenance and annuities;

ii. In suits for maintenance and annuities or other sums payable periodically-according to the value of the subject-matter of the suit, and

such value shall be deemed to be ten times the amount claimed to be payable for one year:

Provided that, in suits by widows for maintenance such value shall be deemed to be the amount claimed to be payable for one year.

(iii) for moveable property having a market-value;

iii. In suits for moveable property other than money, where the subject-matter has a market-value - according to such value at the date of presenting the plaint:

(iv) (a) for moveable property of no market-value;(b) [Omitted](c) for declaratory decree and consequential relief;(d) for an injunction;(e) for easements;(f) for accounts;

iv. In suits-

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

(b) [Omitted by section 7(1) of the Court-fees (Amendment) Act, 1935 (Act No. VII of 1935).]

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

(d) to obtain an injunction.

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

(f) for accounts-

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal subject to the provisions of section 8C.

⁹[In all such suits the plaintiff shall state the amount at which he values the relief sought:

Provided that in such suits the valuation shall not be such as would attract a court-fee of less than ¹⁰[two hundred taka].]

(v) for possession of land, buildings or gardens;

v. In suits for the possession of land, buildings or gardens

(a) according to the value of the subject-matter, and such value shall be deemed to be fifteen times the net profit which have arisen from the land, building or garden during the years next before the date of presenting the

plaint, or if the Court sees reason to think that such profit have been wrongly estimated, fifteen times such amount as the Court may assess as such profits or according to the market-value of the land, building or garden,

whichever is greater:

(b) if, in the opinion of the Court, such profits are not readily ascertainable or assessable, or where there are no such profits, according to the market-value of the land, building or garden:

Explanation. In this paragraph "building" includes a house, out-house, stable, privy, urinal, shed, hut, wall and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever:

**(vi) to
enforce a
right of pre-emption;**

vi. In suit to enforce a right of pre-emption-according to the market-value of the land, building or garden in respect of which the right is claimed:

¹¹[Provided that in an application to enforce a right of pre-emption under section 96 of the State Acquisition and Tenancy Act, 1950 (E.B Act No. XXXVIII of 1951) or under section 24 of the Non-Agricultural Tenancy Act, 1949 (E.B Act No XXIII of 1949), a fixed fee of an amount of ¹²[two hundred taka] shall be payable.

Explanation. In this paragraph "building" has the same meaning as in paragraph v;]

viA. In suits for partition and separate possession of a share of joint family property or of a joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property-

if the plaintiff has been excluded from possession of the property of which he claims to be a co-parcener or co-owner, according to the market value of the share in respect of which the suit is instituted:

**(vii) for
interest of
assignee of
land
revenue;**

vii. In suits for the interest of an assignee of land revenue - fifteen times his net profits as such for the years next before the date of presenting the plaint: