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NOTIFICATION

No. H-12018/80/97—LJD, the 10th April, 1997. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Act No. 5 of 1997

The Court Fees (Mizoram Amendment) Act, 1996.

Received the assent of the Governor of Mizoram on the 31st March, 1997

AN A C T

to amend the Court-Fees Act, 1870 in its application to the State of Mizoram.

Be it enacted by the Legislature of the State of Mizoram in the Forty-Sixth year of the Republic of India as follows : -

Short title 1. (1) This Act may be called the Court-fees (Mizoram Amend-
extent and ment) Act, 1996.
commence-

ment.

- (2) It extends to the whole of the State of Mizoram.
(3) It shall come into force on and from such date as may be appointed by the State Government of Mizoram by publication in the Mizoram Gazette.

Amendment of
Schedule I to
Act VII of
1870

2. In schedule I, to the Court Fees Act 1870 (hereinafter to be referred as the Principal Act)

(1) For Article I, the following shall be substitute, namely :—

1. Plaintiff, written statement pleading, a set off or counter claim or memorandum of appeal (not otherwise provided for in this Act) or of cross objection presented to any Civil or Revenue Court except those mentioned in Section 3 :

Whether amount or value of the subject in dispute -

- | | |
|---|--|
| (i) does not exceed Rs. 15,000 | 2½ p.c |
| (ii) exceeds Rs. 15,000 but does not exceed Rs. 27,000 | Rs. 375 plus 3½ per cent of the amount exceeding Rs. 15,000. |
| (iii) exceeds Rs. 27,000 but does not exceed Rs. 39,000 | Rs. 795 plus 4½ per cent of the amount exceeding Rs. 27,000. |
| (iv) exceeds Rs. 39,000 but does not exceeds Rs. 51,000 | Rs. 1335 plus 5½ per cent of the amount exceeding Rs. 39,000. |
| (v) exceeds Rs. 51,000 but does not exceed Rs. 63,000 | Rs. 1995 plus 6½ per cent of the amount exceeding Rs. 51,000 |
| (iv) exceeds Rs. 63,000 but does not exceed Rs. 75,000 | Rs. 2775 plus 7½ per cent of the amount exceeding Rs. 63,000. |
| (vii) exceeds Rs. 75,000 but does not exceed Rs. 5,00,000 | Rs. 3675 plus 6½ per cent of the amount exceeding Rs. 75,000 |
| (viii) exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 | Rs. 31,300 plus 5½ per cent of the amount exceeding Rs. 5,00,000 |

(ix) exceeds Rs. 10,00,000 but does not exceed Rs. 20,00,000	Rs. 58,800/- plus 4½ percent of the amount exceeding Rs. 10,00,000
(x) exceeds Rs. 20,00,00 but does not exceed Rs. 30,00,000	Rs. 1,03,800 plus 3½ percent of the amount exceeding Rs. 20,00,000
(xi) exceeds Rs. 30,00,000 but does not exceed Rs. 45,00,000	Rs. 1,38,00,000 plus 2½ percent of the amount exceeding Rs. 30,00,000
(xii) exceeds Rs. 45,00,000 but does not exceeds Rs. 60,00,000	Rs. 1,76,300 plus 1½ percent of the amount exceeding Rs. 45,00,000
(xiii) exceeds Rs. 60,00,000 but does not exceeds Rs. 75,00,000	Rs. 1,98,800 plus ½ percent of the amount exceeding Rs. 60,00,000

Provided that the maximum amount of Court-fees payable under this Article by a house-tax-paying native resident of Mizoram shall be limited to rupees five thousand only.

(2) For Articles 6,7,8,9, and 11 the following shall be substituted namely :—

“6 Copy or translation of a judgement or order not being or having the force of a decree

When such judgement or order is passed by any Civil Court, or by the Presiding Officer of any Revenue Court or Office or by any other judicial or executive Authority -

(a) If the amount or value of the subject matter is fifty or less than fifty rupees.

Three rupees

(b) If such amount or value exceeds fifty rupees.

Four Rupees

When such judgement or order is passed by a High Court.

Six rupees

“7 Copy of a decree or order having the force of a decree

When such decree or orders is made by any Civil Court other than a High Court, or by any Revenue Court.

(a) if the amount or value of the subject matter of the suit where in such decree or order is made is fifty or less than fifty rupees.

Four rupees

(b) if such amount or value exceeds fifty rupees

Five rupees

When such decree or order is made by High Court.

Twelve rupees

"8 Copy of any document liable to Stamp duty under the Indian Stamp Act, 18 (Act 11 of 1899) when left by any party to a suit or proceeding in place of the original withdrawn.

(a) When the Stamp duty chargeable on the original does not exceed one rupee.

The amount of the duty chargeable on the original".

(b) In any other case

Three rupees

"9 Copy of any Revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement report or the like, taken out of any Civil or Criminal or Revenue Court or office or from the office or any Chief officer charged with the executive administration of Division.

For every three hundred sixty words or fraction of three hundred and sixty words.

Three rupees"

Article

"11. 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, but does not exceed ten thousand rupees.

Two per centum on such amount or value

When such amount or value exceeds ten thousand rupees, but does not exceed fifty thousand rupees.

Two and one-half per centum on such amount or value.

When such amount or value exceeds fifty thousand rupees.

Three per centum on such amount or value subject to a maximum of rupees three thousand".

Provided that when, after the grant of a probate or letters of administration under the Succession Certificate Act, 1889 (7 of 1889), or under the Regulation of the Bombay Code, No. VIII of 1812 in respect of any property included in a 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 paid in respect of the former grant.

(2) The table of rate of Ad-valorem fees leviable on the institution of suits at the said shall be substituted by the following :-

Table of rates of Ad-valorem fees leviable on the institution of suits.

When the amount or value of the subject matter exceeds

But does not exceed

Per cent

(1) Rs.	(2) Rs.	(3) Rs.
—	5	2.00
5	10	3.00
10	15	3.00
15	20	4.00
20	25	4.00
25	30	5.00
30	35	6.00
35	40	6.00
40	45	7.00
45	50	9.00
50	55	9.00
55	60	10.00
60	65	11.00
65	70	11.00
70	75	12.00
75	80	13.00
80	85	13.00
85	90	14.00
90	95	15.00
95	100	15.00
100	110	19.00
110	120	21.00
120	130	25.00
130	140	26.00
140	150	27.00
150	160	30.00

When the amount or value
of the subject matter exceeds.But does not
exceed

Proper feed

(1)

160

170

180

190

200

210

220

230

240

250

260

270

280

290

300

310

320

330

340

350

360

370

380

390

400

410

420

430

440

450

460

470

480

490

500

510

520

530

540

550

560

570

580

590

600

610

(2)

170

180

190

200

210

220

230

240

250

260

270

280

290

300

310

320

330

340

350

360

370

380

390

400

410

420

430

440

450

460

470

480

490

500

510

520

530

540

550

560

570

580

590

600

610

620

(3)

33.00

35.00

36.00

38.00

40.00

42.00

43.00

45.00

48.00

49.00

51.00

52.00

55.00

57.00

58.00

60.00

61.00

64.00

66.00

67.00

69.00

71.00

73.00

74.00

76.00

79.00

80.00

82.00

83.00

86.00

88.00

89.00

91.00

92.00

95.00

96.00

98.00

101.00

102.00

104.00

105.00

107.00

110.00

111.00

113.00

114.00

When the amount of
value of the subject
matter exceeds.

Does not
exceed

Exceeds

(1)
620
630
640
650
660
670
680
690
700
710
720
730
740
750
760
770
780
790
800
810
820
830
840
850
860
870
880
890
900
910
920
930
940
950
960
970
980
990
1000
1100
1200
1300
1400
1500
1600
1700
1800

(2)
630
640
650
660
670
680
690
700
710
720
730
740
750
760
770
780
790
800
810
820
830
840
850
860
870
880
890
900
910
920
930
940
950
960
970
980
990
1000
1100
1200
1300
1400
1500
1600
1700
1800

(3)
117.00
118.00
120.00
122.00
124.00
126.00
127.00
129.00
132.00
133.00
135.00
136.00
138.00
141.00
142.00
144.00
147.00
148.00
149.00
151.00
153.00
155.00
157.00
158.00
160.00
163.00
164.00
166.00
167.00
170.00
172.00
173.00
174.00
176.00
179.00
180.00
182.00
183.00
185.00
186.00
188.00
189.00
191.00
192.00
194.00
195.00

When the amount
of value of the subject
matter exceeds

But does
not exceed

Proper fee

(1)	(2)	(3)
1800	1900	287.00
1900	2000	298.00
2000	2100	309.00
2100	2200	320.00
2200	2300	332.00
2300	2400	343.00
2400	2500	355.00
2500	2600	366.00
2600	2700	378.00
2700	2800	389.00
2800	2900	401.00
2900	3000	412.00
3000	3100	423.00
3100	3200	434.00
3200	3300	446.00
3300	3400	457.00
3400	3500	469.00
3500	3600	480.00
3600	3700	492.00
3700	3800	503.00
3800	3900	515.00
3900	4000	526.00
4000	4100	536.00
4100	4200	548.00
4200	4300	559.00
4300	4400	571.00
4400	4500	582.00
4500	4600	594.00
4600	4700	605.00
4700	4800	617.00
4800	4900	628.00
4900	5000	640.00
5000	5100	650.00
5100	5200	662.00
5200	5300	673.00
5300	5400	685.00
5400	5500	696.00
5500	5600	708.00
5600	5700	719.00
5700	5800	731.00
5800	5900	742.00
5900	6000	754.00
6000	6100	764.00
6100	6200	776.00
6200	6300	787.00
6300	6400	799.00

When the amount
or value of the subject
matter exceeds

But does
not exceed

Proper fees

(1)	(2)	(3)
6400	6500	810.00
6500	6600	822.00
6600	6700	833.00
6700	6800	845.00
6800	6900	856.00
6900	7000	868.00
7000	7100	878.00
7100	7200	889.00
7200	7300	901.00
7300	7400	912.00
7400	7500	924.00
7500	7750	935.00
7750	8000	
8000	8250	958.00
8250	8500	970.00
8500	8750	981.00
8750	9000	992.00
9000	9250	1003.00
9250	9500	1015.00
9500	9750	1026.00
9750	10000	1152.00
10000	10500	1186.00
10500	11000	1254.00
11000	11500	1254.00
11500	12000	1288.00
12000	12500	1323.00
12500	13000	1356.00
13000	13500	1391.00
13500	14000	1425.00
14000	14500	1459.00
14500	15000	1493.00
15000	15500	1528.00
15500	16000	1561.00
16000	16500	1596.00
16500	17000	1630.00
17000	17500	1665.00
17500	18000	1668.00
18000	18500	1733.00
18500	19000	1767.00
19000	19500	1800.00
19500	20000	1835.00
20000	21000	1865.00
21000	22000	1926.00
22000	23000	1972.00
23000	24000	201.00

When the amount
or value of the subject
matter exceeds

But does
not exceed

Proper fees ..
.....

(1)	(2)	(3)
24000	25000	2054.00
25000	26000	2100.00
26000	27000	2153.00
27000	28000	2199.00
28000	29000	2244.00
29000	30000	2290.00
30000	31000	2336.00
31000	32000	2381.00
32000	33000	2427.00
33000	34000	2472.00
34000	35000	2518.00
35000	36000	2564.00
36000	37000	2609.00
37000	38000	2662.00
38000	39000	2900.00
39000	40000	2746.00
40000	41000	2792.00
41000	42000	2829.00
42000	43000	2881.00
43000	44000	2927.00
44000	45000	2973.00
45000	46000	3031.00
46000	47000	3064.00
47000	48000	3110.00
48000	49000	3155.00
49000	50000	3201.00
50000	55000	3258.00
55000	60000	3315.00
60000	65000	3372.00
65000	70000	3429.00
70000	75000	3486.00
75000	80000	3542.00
80000	85000	3600.00
85000	90000	3656.00
90000	95000	3714.00
95000	100000	3770.00
100000	105000	3828.00
105000	110000	3884.00
110000	115000	3942.00
115000	120000	3998.00
120000	125000	4055.00
125000	130000	4112.00
130000	135000	4169.00
135000	140000	4225.00

When the amounts or value of the subject matter exceeds.	But does not exceed.	Proper fees
(1)	(2)	(3)
140000	145000	4283.00
145000	150000	4339.00
150000	155000	4397.00
155000	160000	4453.00
160000	165000	4511.00
165000	170000	4567.00
170000	175000	4625.00
175000	180000	4681.00
180000	185000	4738.00
185000	190000	4795.00
190000	195000	4852.00
195000	200000	4909.00
200000	205000	4966.00

And the fees increases at the rate of forty-one rupees and twenty-five paise for every five thousand rupees, or part thereof, upto a maximum fee of eleven thousand rupees, for example :—

Rs.	Rs.	Rs.
	300000	6047.00
	400000	7186.00
	500000	8324.00
	600000	9463.00
	700000	10601.00
	800000	11740.00
	900000	12878.00
	1000000	14017.00
	1100000	15155.00
	1105000	15213.00

Provided that the maximum amount of court-fees payable under this Article by a house-tax paying native of Mizoram shall be limited to rupees five thousand only.

Amendment of Schedule II to Act VII of 1870 (3) For Schedule II to the principal Act, the following shall be substituted, namely :—

SCHEDULE II

Number (1)	(2)	Proper fees (3)
1. Application of petition	(a) When presented to any officer of the Customs of Excise Department or to any Magistrate by any person having	Two Rupees

dealings with the Government and when the subject matter of such application relates exclusively to those dealings; or

When presented to any Municipal Board or other local authority constituted under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement; or

When presented to any Civil Court other than a principal Civil Court of original jurisdiction or to any court or small Causes constituted under Act No. XI of 1865 or under Act No. XVI of 1868 section 20 or to a collector or other Officer of revenue in relation to any suit or case in which the amount or value of the subject matter is less than fifty rupees; or

When presented to any Civil, Criminal or Revenue Court, or to any Board or Executive officer for the purpose of obtaining a copy of translation of any judgement, decree or order passed by such Court, Board or Officer, or of any other document on record in such Court or Office.

(b) When presented to a Regional Transport Authority or State Transport Authority containing a prayer for permits for Contract Carriage, State Carriage, Private Carriage, or Public Carrier or for any other purpose.

Fourteen rupees

(c) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Criminal Procedure Code arrest without warrant and presented to any Criminal Court; or

In case of complaint or charge of an offence presented to a Criminal Court or in the case of an application or petition presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject matter of the application or petition relates exclusively to such engagement one rupee and sixty five paise and in other cases, one rupee and ten paise.

When presented to a Civil Criminal or Revenue Court or to Collector, or any Revenue Officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act; or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensation to be paid by a land-lord to this tenant; or

When presented to a collector or other officer making a settlement of land revenue, or to a Board of Revenue or a Commissioner of Revenue, relating to matters connected with the assessment of land or the ascertainment of rights thereto or interest therein, if presented previous to the final confirmation of such settlements; or

When presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement.

Three rupees

When presented to any officer of land revenue by any person the kabulyat application for settlement of the land under direct engagement with Government

Four rupees

(d) When presented Commissioner or Controlling Revenue

Five rupees

Authority, or to a Commissioner of Revenue or circuit or to any Chief Officer, charged with the executive administration of a Division and not otherwise provided for by this Act.

(e) When presented to a High Court.

(i) Under article 226 of the Constitution. Sixty nine rupees

(ii) In all other matters. Fourteen rupees

(f) When presented to any officer containing prayer for settlement of fishery ferry, forest produce, forest mahals, elephant mahals or an offer giving terms for acceptance of Government for any construction or an application for a permit or license to deal in controlled commodities. Fourteen rupees

(g) When presented to an appropriate Revenue Authority for demarcation of land.

(i) When the area of such land does not exceed one hectare. Four rupees

(ii) For each subsequent area or of one hectare or part thereof. Three rupees

IA. Application to any Civil Court that records may be called for from another Court. When the Court grants the application and is of opinion that the transmission of such records involves the use of the post. Three rupees in addition to any fee levied on the application under clause(a), clause(c) or clause(e) of Article I of this Schedule.

2. Application for leave to sue as a pauper. Three rupees

3. Application for leave to appeal as a pauper. (a) When present to District Court. Four rupees

(b) When presented to Commissioner or a High Court. Five rupees

a suit to establish or disprove a right of occupancy.

6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section the Code of Criminal Procedure, 1973 (Act 2 of 1974) or the Court of Civil Procedure 1908 (Act V of 1908) and not otherwise provided for by this Act.

Three rupees.

7. Undertaking under section 49 of the Indian Divorce Act, 1869 (Act V of 1869)

8.

9.

10. Mukhtarama or Vakalathama

When presented for the conduct of any one case—

(a) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other Executive Officer except such as are mentioned in clauses (b) and (c) of this Number;

Three rupees

(b) to a Commissioner of Revenue, Circuit or Custom or to any Officer charged with the Executive Administration or a Division not being the Chief Revenue or Executive Authority.

Four rupees

(c) to a High Court, Chief Commissioner, Chief Board of Revenue or other Chief

Nine rupees

Controlling Revenue, or Executive Authority, or an Appellate Authority Prescribed under the Motor Vehicles Act, 1988 or to an appellate Authority prescribed under the Assam Sales Tax Act, 1917, (Act XVII of 1947).

- | | | |
|--|---|--------------------|
| 11. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree and is presented. | To any Civil Court other than a High Court or to any Revenue Court or Executive Office other than the High Court or Chief Controlling Revenue or Executive Authority except an authority specified in clause (b); | Five rupees |
| | (b) to an Excise Appellate Authority under the relevant Rules. | Twenty Five Rupees |
| | (c) to a High Court or Chief Commissioner or other Chief Controlling Executive or Revenue Authority except an authority prescribed in clause (b); | Fifteen Rupees |
| | (d) to a High Court in miscellaneous revenue matters except (f) below or to an Appellate Authority prescribed under the Motor Vehicles Act, 1988. | Twenty five Rupees |
| | (f) to a High Court in appeal and revision matters arising out of settlement of fishery— | |
| | (i) When the bid money is below ten thousand rupees; | Twenty five Rupees |
| | (ii) When the bid money is above ten thousand rupees but below twenty thousand rupees; | Forty rupees |
| | (iii) When the bid money is above twenty thousand rupees. | Fifty rupees |
| 12. Caveat. | | Fifteen rupees |

17. **Plaint or Memorandum of appeal in each of the following suits :-**

(i) to after or set aside a summary decision or order of any of the Civil Court not established by Letter Patent or of any Revenue Court;

Twenty five rupees

(ii) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates,

(iii) to obtain a declaration decree where no consequential relief is prayed;

Thirty rupees

(iv) to set aside an awards;

Twenty five rupees

(v) to set aside an adoption;

Thirty rupees

(vi) every other suit, where it is not possible to estimate at a money value the subject matter in dispute, and which is not otherwise provided for by this Act

18. Application under the Arbitration Act, for a direction, for filling and awarded or for an order for filling and agreement.

When presented to Civil Court

Seventy five rupees

19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure 1908 (Act V of 1908)

Twenty five rupees

20. Every petition under the Indian Divorce Act, 1869, except petitions under section 44 of the same Act, and every memorandum of appeal under Section 55 of the same Act.

Thirty rupees

Overriding effect. 4. Notwithstanding anything in any other law relating to the same subject, as may be in force in Mizoram for the time being, the provisions of this Act shall have the overriding effect only on the identical-provisions in such other laws.

P. Chakraborty,
Secretary,
Law & Judicial Deptt.
Govt. of Mizoram.