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TAMIL NADU ARCHIVES

GOVT OF TAMIL NADU

JUDICIAL DEPT

G.O. No :- 1998-1999
(108 & 110)

DATE :- 15.12.1873

28

*Proceedings of the Madras Government, Judicial Department,
15th December 1873.*

No. 108. Read the following letter from H. WIGRAM, Esq., Registrar of the High Court of Judicature at Madras, Appellate Side, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 19th November 1873, No. 1991.

With reference to the Proceedings of Government, dated 22nd August and 26th September 1873, Judicial Department, Nos. 1330 and 1344, forwarding copies of letters from the District Judge of Tinnevely and the Acting District Judge of North Tanjore regarding the fee to be levied on a warrant of attachment under No. 5 of Schedule A. attached to the Rules framed under Section 20 of Act VII. of 1870, I am directed to state that the Rules will require amendment to meet the cases put. No. 5 of the Schedule should be supplemented thus—

	In a District Munsif's Court.			In every other Court.		
	RS.	A.	P.	RS.	A.	P.
If the value or amount does not exceed 50 Rupees	...	...	...	1	0	0
If the value or amount exceeds 1,000 Rupees	4	0	0	...	...	...

2. I am to take this opportunity of calling attention to certain other deficiencies in the wording of the Schedule, which may be amended at the same time.

3. In No. 5 for the words *the amount decreed if applied for in execution of the decree*, the words *the amount in respect of which execution is sought* should be substituted. This will meet the case of a decree having been partially executed when it is sought to execute it further.

4. In Note 1 to the Schedule after the words *if a process* the words *other than a process under Nos. 7, 8, or 10* should be inserted. It was clearly intended that the fees under Nos. 7, 8, and 10 should be fixed fees.

5. In Note 2 to the Schedule for *double rates are to be charged*, the words *a separate fee is to be charged for each individual employed* should be substituted. It was clearly not intended that a double fee should be the maximum fee.

6. Under Section 20 the alterations and additions now proposed must be confirmed by the Local Government and sanctioned by the Governor-General in Council.

SCHEDULE A. (CIVIL AND REVENUE COURTS).
(REVISED.)

	In a District Munsif's or Subordinate Revenue Court.			In every other Civil or Revenue Court.		
	RS.	A.	P.	RS.	A.	P.
1. Summons or Notice to Defendant or Respondent	0	8	0	1	0	0
And for every additional Defendant or Respondent, if applied for at the same time, and if Defendant resides in the same neighbourhood	0	4	0	0	8	0
2. Summons to a Witness	0	8	0	1	0	0
And for every additional Witness if applied for at the same time, and if Witness resides in the same neighbour- hood	0	4	0	0	8	0
3. Warrant of Arrest	1	0	0	2	0	0
4. Proclamation of Attachment or the Process for Sale ...	0	8	0	1	0	0

Proceedings of the Madras Government, Judicial Department,

15th December 1873.

	In a District Munsif or Subordinate Revenue Court.	In every other Civil or Revenue Court.
	RS. A. P.	RS. A. P.
5. Warrant of Attachment of moveable or immoveable property according to the value of the suit if applied for before Judgment, or the amount decreed in respect of which execution is sought.		
If the value or amount does not exceed 50 Rupees...	0 8 0	1 0 0
Exceeds 50 Rs. but does not exceed 100 ..	1 0 0	2 0 0
" 100 .. do. 500 ..	2 0 0	3 0 0
" 500 .. do. 1,000 ..	3 0 0	4 0 0
" 1,000 .. do. 5,000 ..	4 0 0	5 0 0
" 5,000 .. do. 10,000 ..	...	6 0 0
" 10,000	...	7 0 0
6. Warrant of delivery of possession of Property, moveable or immoveable—		
If no attachment has taken place ..	The fee for attachment of said property.	
	RS. A. P.	RS. A. P.
If attachment has taken place—		
For moveable property ..	0 8 0	1 0 0
For immoveable property ..	1 0 0	2 0 0
7. Warrant of Sale of moveable property—		
If conducted at the Court-house ..	0 4 0	0 8 0
If not conducted at the Court-house ..	0 8 0	1 0 0
8. Warrant of Sale of immoveable property—		
If conducted at the Court-house ..	0 8 0	1 0 0
If not conducted at the Court-house ..	1 0 0	2 0 0
9. Injunction, Order, or Notice not otherwise provided for.	0 8 0	1 0 0
10. Any process in execution of a decree of a Village Munsif	0 4 0	...

- N. E.—(1.) If a process other than a process under Nos. 7, 8, or 10 is to be served or executed within a radius of six miles from the Court-house, half the above rates only are to be charged. The Judge of every Court shall determine what villages are within the above radius, and a list of such villages shall be notified in a conspicuous place in the Court-house.
- (2.) When it is found necessary to employ more than one Amin or Peon (as, for instance, where property is situated in different places), a separate fee is to be charged for each individual employed.
- (3.) When a Warrant remains unexecuted for fifteen days after its delivery to the Officer entrusted with its execution, an additional fee at the same rate shall be levied from the party at whose instance the Warrant was issued for every fifteen days or portion of fifteen days until return is made, provided that the delay in executing the said Warrant is not attributable to the Officer of the Court.
- (4.) If the processes for attachment and sale are issued simultaneously, the proper fee for the former process only is to be charged.
- (5.) Under Section 8, Act XXIII. of 1861, the lowest rate for serving a process shall be deemed to be, as heretofore, 4 Annas per diem. A week's batta is to be deposited in advance and renewed at like intervals.

Proceedings of the Madras Government, Judicial Department,

15th December 1873.

No. 109. ORDER THEREON, 15th December 1873, No. 1998.

The Governor in Council confirms the alterations and additions proposed to be made to Schedule A annexed to the Rules framed by the High Court under Section 20 of the Court Fees Act, and directs that a revised Schedule, embodying these alterations and additions, be submitted for the sanction of the Government of India.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 110. To the Secretary to the Government of India, Home Department (Judicial), dated Fort St. George, 15th December 1873, No. 1999.

With reference to the Rules made by the High Court at Madras under Section 20 of the Court Fees Act (No. VII. of 1870), to which the sanction of the Government of India was conveyed in your office letter, dated 21st July 1873, No. 1281, I am directed to submit the annexed copy of a letter from the Registrar of the High Court, dated 19th November, 22nd August and 26th September 1873, Nos. 1330 and 1544.

No. 1991 (together with copies of the Proceedings* of this Government referred to therein), from which it will be seen that the Court propose to make certain alterations and additions to Schedule A. annexed to the Rules.

The Governor in Council having confirmed these alterations and additions I am to request that His Excellency the Governor-General in Council will be pleased to sanction the accompanying Schedule, which embodies the amendments made, and which it is proposed to substitute for the original Schedule A.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 1999.

FROM THE HON. W. HUDLESTON,
Chief Secretary to the Government of Fort St. George,

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,
 HOME DEPARTMENT (JUDICIAL).

SIR,

With reference to the Rules made by the High Court at Madras under Section 20 of the Court Fees Act (No. VII. of 1870), to which the sanction of the Government of India was conveyed in your office letter, dated 21st July 1873, No. 1231, I am directed to submit the annexed copy of a letter from the Registrar of the High Court, dated 19th November,

• 22nd August and 26th September 1873, Nos. 1330 and 1544. No. 1991 (together with copies of the Proceedings* of this Government referred to therein), from which it will be seen that the Court propose to make certain alterations and additions to Schedule A. annexed to the Rules.

2. The Governor in Council having confirmed these alterations and additions I am to request that His Excellency the Governor-General in Council will be pleased to sanction the accompanying Schedule, which embodies the amendments made, and which it is proposed to substitute for the original Schedule A.

I have the honour to be,

Your most obedient servant,

FORT ST. GEORGE,
 15th December 1873.

Chief Secretary.

From H. WIGRAM, Esq., Registrar of the High Court of Judicature at Madras, Appellate Side, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 19th November 1873, No. 1991.

With reference to the Proceedings of Government, dated 22nd August and 26th September 1873, Judicial Department, Nos. 1330 and 1544, forwarding copies of letters from the District Judge of Tinnevely and the Acting District Judge of North Tanjore regarding the fee to be levied on a warrant of attachment under No. 5 of Schedule A. attached to the Rules framed under Section 20 of Act VII. of 1870, I am directed to state that the Rules will require amendment to meet the cases put. No. 5 of the Schedule should be supplemented thus—

	In a District Municipal Court.	In every other Court.
	RS. A. P.	RS. A. P.
If the value or amount does not exceed 50 Rupees	...	1 0 0
If the value or amount exceeds 1,000 Rupees	4 0 0	...

2. I am to take this opportunity of calling attention to certain other deficiencies in the wording of the Schedule, which may be amended at the same time.

3. In No. 5 for the words *the amount decreed if applied for in execution of the decree*, the words *the amount in respect of which execution is sought* should be substituted. This will meet the case of a decree having been partially executed when it is sought to execute it further.

4. In Note 1 to the Schedule after the words *if a process* the words *other than a process under Nos. 7, 8, or 10* should be inserted. It was clearly intended that the fees under Nos. 7, 8, and 10 should be fixed fees.

5. In Note 2 to the Schedule for *double rates are to be charged, the a separate fee is to be charged for each individual employed* should be substituted clearly not intended that a double fee should be the maximum fee.

6. Under Section 20 the alterations and additions now proposed must be confirmed by the Local Government and sanctioned by the Governor-General in Council.

SCHEDULE A. (CIVIL AND REVENUE COURTS). (REVISED.)

	In a District Munsif's or Subordinate Revenue Court.			In every other Civil or Revenue Court.		
	RS.	A.	P.	RS.	A.	P.
1. Summons or Notice to Defendant or Respondent ...	0	8	0	1	0	0
And for every additional Defendant or Respondent, if applied for at the same time, and if Defendant ... same	0	4	0	0	8	0
... same	0	8	0	1	0	0
2. Warrant of Arrest ...	0	4	0	0	8	0
3. Proclamation of Attachment or the Process for Sale ...	1	0	0	2	0	0
4. Warrant of Attachment of moveable or immoveable Property according to the value of the suit if applied for before Judgment, or the amount decreed in respect of which execution is sought.	0	8	0	1	0	0
If the value or amount does not exceed 50 Rupees ...	1	0	0	2	0	0
Exceeds 50 Rs. but does not exceed 100 ..	2	0	0	3	0	0
100 .. do. 500 ..	3	0	0	4	0	0
500 .. do. 1,000 ..	4	0	0	5	0	0
1,000 .. do. 5,000 ..	...	...	...	6	0	0
5,000 .. do. 10,000 ..	...	...	...	7	0	0
10,000 ..	...	...	...	...	...	...
6. Warrant of delivery of possession of Property, moveable or immoveable—	The fee for attachment of said property.					
If no attachment has taken place ...	RS.	A.	P.	RS.	A.	P.
If attachment has taken place—	0	8	0	1	0	0
For moveable property ...	1	0	0	2	0	0
For immoveable property ...	0	4	0	0	8	0
7. Warrant of Sale of moveable property—	0	5	0	1	0	0
If conducted at the Court-house ...	...	...	...	...	...	...
If not conducted at the Court-house ...	...	...	...	...	...	...

In a District Munsif's or Subordinate Revenue Court.	In every other Civil or Revenue Court.
RS. A. P.	RS. A. P.

8. Warrant of Sale of immoveable property—

If conducted at the Court-house ...	0	8	0	1	0	0
If not conducted at the Court-house ...	1	0	0	2	0	0
9. Injunction, Order, or Notice not otherwise provided for.	0	8	0	1	0	0
10. Any process in execution of a decree of a Village Munsif	0	4	0	...	...	...

N.B.—(1.) If a process other than a process under Nos. 7, 8, or 10 is to be served or executed within a radius of six miles from the Court-house, half the above rates only are to be charged. The Judge of every Court shall determine what villages are within the above radius, and a list of such villages shall be notified in a conspicuous place in the Court-house.

(2.) When it is found necessary to employ more than one Amin or Peon (as, for instance, where property is situated in different places), a separate fee is to be charged for each individual employed.

(3.) When a Warrant remains unexecuted for fifteen days after its delivery to the Officer entrusted with its execution, an additional fee at the same rate shall be levied from the party at whose instance the Warrant was issued for every fifteen days or portion of fifteen days until return is made, provided that the delay in executing the said Warrant is not attributable to the Officer of the Court.

(4.) If the processes for attachment and sale are issued simultaneously, the proper fee for the former process only is to be charged.

(5.) Under Section 8, Act XXIII. of 1861, the lowest rate for serving a process shall be deemed to be, as heretofore, 4 Annas per diem. A week's batta is to be deposited in advance and renewed at like intervals.

N^o 1991.

From

H. Wigram Esquire,
Registrar of the
High Court of Judicature
at Madras.

To

The Honorable W. Huddleston,
Chief Secretary to
Government.

Honorable Sir,

With reference to the Proceed-
ings of Government, dated 22nd August and
26th September 1873, Judicial Department,
Nos 1330 and 1534, forwarding copies of letters
from the District Judge of Tanjore and
the Acting District Judge of North Tanjore
regarding the fee to be levied on a warrant
of attachment under No 5 of Schedule A at-
tached to the Rules framed under Section
20 of Act VII of 1870, I am directed to state
that the Rules will require amendment to
meet the cases put No 5 of the Schedule,
should be supplemented thus:-

In a District Court. In every other Court.

If the value or amount does not exceed Rs. 500 Rupees	1 — — — —
If the value or amount exceeds Rs. 500 Rupees	4 — — — —

Small Print: This is a copy of a letter from the
Registrar, High Court, regarding the attachment
of land in the name of the Government. A
copy of the letter is forwarded to the District
Judge of Tanjore and the Acting District
Judge of North Tanjore for their consideration.
The letter is dated 22nd August 1873.

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...at the same time.

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Under the ...
...and additions ...
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and sanctioned by the Governor General
in Council.

I have the honor to be,

Honorable Sir,

Your most obedient servant,

T. Digby

High Court of Judicature,
Madras.

19th November 1873.

Registrar,
Appellate Side.

Schedule A. (Civil and Revenue Courts)

		In a District Munsif or Subordinate Revenue Court.	In every other Civil or Revenue Court.
1	Summons or Notice to Defendant or Respondent. And for every additional Defendant or Respondent, if applied for, at the same time, and if defendant resides in the same neighbourhood.	Rs. 1-8-0 " 8-0	Rs. 1-0-0 " 1-0-0
2	Summons to a witness. And for every additional witness if applied for, at the same time, and if a witness resides in the same neighbourhood.	" 8-0 " 4-0	1-0-0 " 8-0
3	Warrant of arrest.	1-0-0	2-0-0
4	Proclamation of attachment or the process for sale.	" 8-0	1-0-0
5	Warrant of attachment of moveable or immoveable property, according to the value of the suit, if applied for before judgment, or the amount decreed in respect of which execution is sought. If the value or amount does not exceed 50 Rs. Exceeds 50 Rs, but does not exceed 100 " 100 " " 500 " 500 " " 1000 " 1000 " " 5000 " 5000 " " 10000 " 10000	" 8-0 1-0-0 2-0-0 3-0-0 4-0-0 4-0-0 7-0-0	1-0-0 2-0-0 3-0-0 4-0-0 5-0-0 6-0-0 7-0-0

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No.		In a District Munsif, or Subordinate Revenue Court.	In every other Civil or Revenue Court.
6	Warrant of delivery of possession of property (moveable or immovable) If no attachment has taken place If attachment has taken place?		—
	For moveable property	Rs 1/-	8/-
	For immovable property	1/-	2/-
7	Warrant of sale of moveable property If conducted at the Court-house If not conducted at the Court-house	Rs 4/- 8/-	8/- 1/-
8	Warrant of sale of immovable property If conducted at the Court-house If not conducted at the Court-house	8/- 1/-	1/- 2/-
9	Injunction, Order, or Notice not otherwise provided for	8/-	1/-
10	Any process in execution of a decree of a Village Munsif	4/-	

are within the above radius, and a list of such villages shall be notified in a conspicuous place in the Court-house.

- (2) When it is found necessary to employ more than one Ann or Peon (as, for instance, where property is situated in different places) a separate fee is to be charged for each individual employed.
- (3) When a warrant remains unexecuted for fifteen days, after its delivery to the officer entrusted with its execution, an additional fee, at the same rate shall be levied from the party at whose instance the warrant was issued for every fifteen days or portion of fifteen days until return is made, provided that the delay in executing the said warrant is not attributable to the officer of the Court.
- (4) If the processes for attachment and sale are issued simultaneously, the proper fee for the former process only is to be charged.
5. Under section 8, Act XXIII of 1861, the lowest rate for serving a process shall be deemed to be, as heretofore 4 Annas per diem. A week's batta is to be deposited in advance, and renewed at like intervals.

N.B.—(1) If a process other than a process under Nos. 8 or 10 is to be served or executed, within a radius of six miles from the Court-house, half the above rates only are to be charged. The Judge of every Court shall determine what villages are

24/11/77

22/9/73
With Nos. 1330 & 1544

Judicial Dept.
No 1999
The Secretary to the Govt. of India
Home Dept. (Judicial)

Sir,

With reference to the Rules made by the High Court at Madras under Section 20 of the Court Fees Act (No VII of 1870), to which the sanction of the Govt. of India was conveyed in your office letter dated 21st July 1873, No 1281; I am directed to submit the annexed copy of a letter from the Registrar of the High Court of 19th Nov., No 1991 (together with copies of the Pro^o of this Govt. referred to therein), from which it will be seen

11/12

* 22nd Aug. 26 Sept. 73.
Nos 1330 & 1544

11
can that the Court propose
to make certain alterations
and additions to Schedule
A annexed to the Rules.

2. The Governor in Council
having confirmed these
alterations and additions,
I am to request that His
Excellency the Governor
General in Council will be
pleased to sanction the
accompanying Schedule,
which embodies the
amendments made, and
which it is proposed to
substitute for the
original Schedule A.

[Signature]

Fort St. George.
15th Decr. 1773.

~~SECRET~~

C-29-11-
R/R C/R
C/R R/R
R/R

Oct 11. 1873. 21. 10. 10. 10.

London

The Hon. the Lords of the
High Court.

15 Dec. 1873.

15 Dec. 1873. 21. 10. 10. 10.

108. 112.

108. 112.

London. 15 Dec. 1873. 21. 10. 10. 10.
The Hon. the Lords of the
High Court.
15 Dec. 1873. 21. 10. 10. 10.
108. 112.