

**CHAPTER-XII****Fees and Costs.****A- Process Fees.**

**1. Table of process fees.-** (1) The fees referred to in section 20 of the Court-fees Act, 1870 for serving and executing processes issued by the High Court Division in its Appellate Jurisdiction shall be charged as specified in the Table below:

**TABLE**

	<b>Taka</b>
<p><b>Article 1.-</b>In every case in which personal or substituted service of any process on parties to the cause, or any persons who are not parties, is required, where not more than four persons are to be served with the same document, one fee:</p>	20/-
<p>When such persons are more than four in number, then the fee above mentioned and an additional fee of Tk.5/- for every such person in excess of four:</p>	5/-
<p>Provided that in the last mentioned case, where such persons reside in the same or immediately adjacent villages or other localities, the additional fee may be of such sum, not exceeding the amount of the fee prescribed as the High Court Division may, in the particular case, determine.</p>	
<p>Provided also that in analogous cases where the appellant is the same but the respondents are different but reside in the same or immediately adjacent villages or other localities the same rules shall apply.</p>	

<sup>1</sup> Rule 1 was substituted for the original rule 1 by Notification No 181-G dt. 22-10-2012.

Notwithstanding anything contained in the above two provisions to this Article, no prayer for reduction of the fee prescribed and determined by the High Court Division shall be considered unless it is made within the time laid down for the deposit of the fees for the issue of notice.

No prayer for the acceptance of one process-fee for the service of notice both in an Appeal and a Rule arising therefrom, or in two or more analogous Appeals, shall be considered unless written notices both in that Appeal and in the said Rule or in the two or more analogous Appeals are filed at the time the prayer is made and can be served simultaneously.

**Article 2.**-For the execution of a warrant for arrest of a person:

20/-

**Article 3.**-For service or execution of any process issued by the Court not specified in any preceding article:

20/-

**Note.**- Additional costs may be demanded to meet the costs of service of summons, process, etc., outside Bangladesh. Until further orders notices on persons outside Bangladesh may be served by registered post with acknowledgement due or by guaranteed post.

(2) The process fees specified in the Table of sub-rule (1) shall apply to all other processes issued by the High Court Division in exercise of its various jurisdiction, if not provided by any other specific provision of these Rules or other law.]

**2. Exemption from process fees.**-Notwithstanding rule-1 above, no fee shall be chargeable for serving or executing:

(i) any process, such as a notice, rule, summons, or warrant of arrest which may be issued by any court of its own motion, solely for the purpose of taking cognizance of and punishing any act done or words spoken in contempt of its authority or of taking action under sections 195 and 476 of the Criminal Procedure Code;

(ii) any process issued a second time in consequence of an adjournment made otherwise than at the instance of a party or an intervenor;

(iii) any copy of summons, notice, order, proclamation or other process posted in a Court house or in the office of the Collector;

(iv) any order intimating postponement of sale, withdrawal of attachment or directing restoration of attached property to the person in whose custody it was or its replacement where it was found at the time of seizure; and

(v) any order directing an Officer-in-Charge of a jail to detain or release a person committed to his custody.

**3. Payment of advance fees.**-The fees hereinbefore provided shall be payable in advance at the time when the petition for service or execution is presented, and shall be paid by means of stamps in addition to the stamps necessary for its own validity.

**4. Executing Court to pay cost of ferry, toll etc.**-In localities where, in order to serve any process, the peon has to cross a ferry, then the amount, if any, legally payable as cost thereof shall be paid by the Court executing such process from its permanent advance.

<sup>1</sup> The words "payable as cost thereof" was substituted for the words "exigible as toll" by Notification No. 181-G dt. 22-10-2012.

**Note.**- The permanent advance mentioned in this rule is the special permanent advance sanctioned by the 1[\*\*\*] Government for the purpose of the rules.

**5. Sufficiency of fees paid by party.**-The fees paid in pursuance of the foregoing rules must in all proceedings be deemed 2[\*\*\*] as part of the necessary and proper costs of the party who pays them.

### B- Other Fees

**6. Court fee stamps to be affixed to application.**-The following fees shall be charged on every application made in respect of the following matters and such fees shall be paid by means of Court-fee stamps affixed to such applications:

For every search in the office, record-room, books or registers of the Court, including searches consequent on applications for inspection, for information, for copies of 3[TK.10/-] documents, and for return of documents, or application, made by the parties for records, or documents under Order XIII, rule 10, Civil Procedure Code:

Provided that no searching-fee shall be charged in respect of applications for inspection, information, copies, or return of documents filed if the record of such appeal or proceeding have not been deposited in the record room.

On each application for a copy of any 4[TK.5/-] document or record, whether the copy applied for is of a single document or more documents than one:

<sup>1</sup> The word "Provincial" was omitted by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words "and treated" were omitted by Notification *ibid*.

<sup>3</sup> The expression "Tk.10/-" was substituted for the words "One rupee" by Notification *ibid*.

<sup>4</sup> The expression "Tk.5/-" was substituted for the words "Two annas" by Notification *ibid*.

Provided that this does not authorise an applicant to ask in a single application for copies of more than one <sup>3</sup>[document or record], if required in more than one case. There must be a separate application, and, therefore, a separate stamp, for each case.

For swearing or affirming every affidavit, whether intended to be used in the High Court <sup>1</sup>[Tk.10/-] Division either in its Original Jurisdiction or its Appellate Jurisdiction, or in any other Court, except the Insolvency Court:

For inspection of records (exclusive of any searching-fee leviable under this rule):

(i) If the application is by a party to the appeal or other proceeding: <sup>2</sup>[Tk.15/-]

(ii) If the application is not by a party to the appeal or other proceeding. <sup>3</sup>[Tk.20/-]

Provided that no fee shall be levied from parties to appeals or other proceedings in the Court, or their Advocates, for inspecting the records of such appeals or proceedings, if the records relating thereto have not been deposited in the record room of the Court.

<sup>4</sup>[**Note-1.**- The Solicitor to the Government and the Editors of Law Journals approved by Registrar from time to time are exempted from payment of the searching fee and the inspection fee referred to above, if the application for copy is filed in

<sup>1</sup> The expression "Tk.10/-" was substituted for the words "Two annas" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The expression "Tk.15/-" was substituted for the words "One rupee" by Notification *ibid*.

<sup>3</sup> The expression "Tk.20/-" was substituted for the words "Five rupees" by Notification *ibid*.

<sup>4</sup> Note 1 was substituted for the original note 1 by Notification *ibid*.

accordance with the rule 12 of Chapter XIII of these Rules within 3 (three) months of the date of the disposal of the case.]

**Note- 2.** Where the fee for swearing <sup>1</sup>[in] or affirming an affidavit has been levied, no fee shall be levied for filing the same.

<sup>2</sup>[**Note-3.** Fees for swearing in affidavits or affirmations, shall be fixed as per rule 2 (IXA) of Chapter II of these Rules.]

<sup>3</sup>[\*\*\*]

**7. Translation fee.-** Except as otherwise specially provided in these Rules, the following translation fee shall be charged in cases where a party to any suit or appeal, or his Advocate, or where a <sup>4</sup>[subordinate court] requires a document to be translated by a <sup>5</sup>[translator]:

<sup>6</sup>[Taka 2/-] for every 3 words for documents written in a language other than <sup>7</sup>[Bangla] and for every 5 words for other documents (three figures being counted as one word) subject to a minimum charge of <sup>8</sup>[Tk.15/-].

<sup>9</sup>[\*\*\*]

### C- Costs

<sup>10</sup>[**8. Costs allowable to successful party.-(1)** The following scale of costs as specified in the following Table shall ordinarily be allowed to the successful party in appeals to the High Court Division in its Appellate Jurisdiction.

<sup>1</sup> The word "in" was inserted by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> Note 3 was substituted for the original note 3 by Notification *ibid*.

<sup>3</sup> Provisions for Commission at any place other than the Court house was omitted by Notification *ibid*.

<sup>4</sup> The words "subordinate court" were substituted for the words "Lower Court" by Notification *ibid*.

<sup>5</sup> The word "translator" was substituted for the words "salaried translator of the Court" by Notification *ibid*.

<sup>6</sup> The expression "Taka,2/-" was substituted for the words "One ana" by Notification *ibid*.

<sup>7</sup> The word "Bangla" was substituted for the words "the vernacular of East Pakistan" by Notification *ibid*.

<sup>8</sup> The expression "Tk.15/-" was substituted for the expression "Rs.2.00" by Notification *ibid*.

<sup>9</sup> Note was omitted by Notification *ibid*.

<sup>10</sup> Rule 8 was substituted for the original rule 8 by Notification *ibid*.



(2) When there are several parties to an appeal, review or application, one set of cost will generally be awarded, unless the Court, upon the application of the parties, orders otherwise.

### Second Appeals (Pending)

SL No.	Value of Appeal	Heading of Cost	Cost
1.	Not exceeding Tk.500/-	{ Drawing grounds of appeal Hearing fee	Tk.500/- Tk.500/-
2.	Exceeding Tk.500/- and not exceeding Tk.1,000/-	{ Drawing grounds of appeal Hearing fee	Tk.500/- Tk.1,000/-
3.	Exceeding Tk.1,000/- and not exceeding Tk.2,000/-	{ Drawing grounds of appeal Hearing fee	Tk.1,000/- Tk.2,000/-
4.	Exceeding Tk.2,000/-	{ Drawing grounds of appeal Hearing fee	Tk.2,000/- Tk.5,000/-

### Appeals from Decrees

SL No.	Value of Appeal	Heading of Cost	Cost
1.	Not exceeding Tk.5,000/-	{ Drawing grounds of appeal Hearing fee	Tk.1,000/- Tk.1,500/-
2.	Exceeding Tk.5,000/- and not exceeding Tk.10,000/-	{ Drawing grounds of appeal Hearing fee	Tk.1,500/- Tk.2,000/-

SL No.	Value of Appeal	Heading of Cost	Cost
3.	Exceeding Tk.10,000/- and not exceeding Tk.20,000/-	{ Drawing grounds of appeal Hearing fee	Tk.2,000/- Tk.2,500/-
4.	Exceeding Tk.20,000/- and not exceeding Tk.50,000/-	{ Drawing grounds of appeal Hearing fee	Tk.2,500/- Tk.3,000/-
5.	Exceeding Tk.50,000/- and not exceeding Tk.75,000/-	{ Drawing grounds of appeal Hearing fee	Tk.3,000/- Tk.3,500/-
6.	Exceeding Tk.75,000/- and not exceeding Tk.100,000/-	{ Drawing grounds of appeal Hearing fee	Tk.3,500/- Tk.4,000/-
7.	Exceeding Tk.1,00,000/- and not exceeding Tk.5,00,000/-	{ Drawing grounds of appeal Hearing fee	Tk.4,500/- Tk.5,000/-
8.	Exceeding Tk.5,00,000/-	{ Drawing grounds of appeal Hearing fee	Tk.5,000/- Tk.5,500/-

### Appeals from Orders

SL No.	Value of Appeal	Heading of Cost	Cost
1.	Not exceeding Tk.5,000/-	{ Drawing grounds of appeal Hearing fee	Tk.500/- Tk.1,000/-
2.	Exceeding Tk.5,000/- and not exceeding Tk.10,000/-	{ Drawing grounds of appeal Hearing fee	Tk.1,000/- Tk.2,000/-



3.	Exceeding Tk.10,000/-	{ Drawing grounds of appeal Hearing fee	Tk.2,000/- Tk.3,000/-
----	--------------------------	---	--------------------------

### Civil Revision.

SL No.	Value of Revision	Heading of Cost	Cost
1.	Irrespective of Valuation	{ Preparing the application Hearing fee	Tk.2,000/- Tk.2,500/-

**9. Cost in case of remand order.**-<sup>1</sup>[Where in a case.] an order of remand is passed, the court-fee paid <sup>2</sup>[\*\*\*] shall ordinarily be treated as costs <sup>3</sup>[of the case]. But where an order of remand is made on any of the grounds mentioned in the first schedule, Order XLI, Rule 23 <sup>4</sup>[\*\*\*] of the Civil Procedure Code, for a second decision by the <sup>5</sup>[Subordinate Court], this Court shall, on the verbal <sup>6</sup>[prayer] of either party made at the time of making the order for remand, make an order authorizing the appellant to receive back from the Collector the full or proportionate amount, as the case may be, of the fee paid on the Memorandum of Appeal as provided in section 13 of the <sup>7</sup>[Court-fees Act, 1870 (Act No. VII of 1870)].

Any such <sup>8</sup>[prayer] for refund not made at the time of the passing of the order of remand, but made on a subsequent date may be entertained if made to the Court on a petition for amendment of the order of remand with the proper stamp.

SL No.	Value of Appeal	Heading of Cost
1.	Exceeding	Drawing grounds of appeal

<sup>1</sup> The expression "Where in a case," was substituted for the expression "In cases where, on appeal to the High Court Division from an Original or Appellate Decree" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words "on the Memorandum of Appeal" were omitted by Notification *ibid*.

<sup>3</sup> The words "of the case" were substituted for the words "in the appeal" by Notification *ibid*.

<sup>4</sup> The expression "or 23A" was omitted by Notification *ibid*.

<sup>5</sup> The words "Subordinate Court" were substituted for the words "Lower Court" by Notification *ibid*.

<sup>6</sup> The word "prayer" was substituted for the word "application" by Notification *ibid*.

<sup>7</sup> The expression "Court-fees Act, 1870 (Act No. VII of 1870)" was substituted for the expression "Court-fees Act VII of 1870" by Notification *ibid*.

<sup>8</sup> The word "prayer" was substituted for the word "application" by Notification *ibid*.