

PART III.
CHAPTER XII.
Fees and Costs.
A.-Process Fees.

1. The fees in the following schedule framed by the High Court under section 20 of the Court Fees Act, 1870, shall be charged for serving and executing processes issued by the High Court in its Appellate Jurisdiction:

*1. Fees chargeable in the High Court.
Appellate Jurisdiction.*

	Rs.	a.	p.
Article 1.-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.....	3	4	0
When such persons are more than four in number, then the fee above mentioned and an additional fee of 8 annas for every such person in excess of four	0	8	0
Provided that in the last mentioned case, where such persons reside in the same or immediately adjacent villages, the additional fee may be such sum, not exceeding the amount of the fee prescribed as the High Court may, in the particular case, determine.			
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 the same rules shall apply. Notwithstanding anything contained in the proviso to this Article, no prayer for reduction of the fee prescribed and determined by the High Court shall be considered unless it is made within the time laid down for the deposit of the fees for the issue of notice and sufficiently early to obtain an order before that time expires.			
No prayer for the acceptance of one process-fee for the service of notice both in an Appeal and a connected Rule, or in two or more analogous Appeals, shall be considered unless written up notices both in that Appeal and in the connected Rule or in the two or more analogous Appeals are filed at the time the prayer is made and can be served simultaneously.	3	0	0
Article 2.-For the execution of a warrant for arrest of a person. ...			
Article 3.-For service or execution of any process issued by the Court not specified in any preceding article..... ..	3	0	0

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

2. 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. 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. In localities where in order to serve any process, the peon has to cross a ferry, then the amount, if any, legally exigible as toll shall be paid by the Court executing such process from its permanent advance.

Note – The permanent advance mentioned in this rule is the special permanent advance sanctioned by the Provincial Government for the purpose of the rules

5. The fees paid in pursuance of the foregoing rules must in all proceedings be deemed and treated as part of the necessary and proper costs of the party who pays them.

B. – Other Fees

6. 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 documents, and for return of documents, or application, made by the parties for records, or documents under Order XIII, Rule 10, Civil Procedure Code.	One Rupee
Provided that no searching-fee shall be charged in respect of applications for inspection, information, copies, or return of documents tiled if the record, of such appeal or proceeding have not been deposited in the record room.	
On each application for a copy of any document or record in the High Court, whether the copy applied for is of a single document or more documents than one.	Two annas
Provided that this does not authorise an applicant to ask in a single application for copies of more than one paper, 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 either in its Original Jurisdiction or its Appellate Jurisdiction, or in any other Court, except the Insolvency Court	Two annas
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	One rupee

(ii) If the application is not by a party to the appeal or other proceeding. Five rupees .

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.

Note 1 -The Chief Reporter to Government and the Superintendent and Remembrancer of Legal Affairs to the Provincial Government and the Editors of the Pakistan Law Reports (Dacca Series), the Dacca Law Reports,, the All Pakistan Legal Decisions, and the Editors of such other Law Journals (if any) as may be approved by the Court from time to time are exempted from payment of the searching fee and the inspection fee referred to above, provided that the application for copy is filed in accordance with the Rule 12 of Chapter XIII of these Rules within 21 days of the date of the disposal of the case.

Note 2-Where the fee for swearing or affirming an affidavit has been levied, no fee shall be levied for filing the same.

Note 3-Fees for taking affidavits or affirmations.

Unless otherwise ordered, the fees to be allowed to Commissioner deputed for taking affidavits or affirmations at any place other than the Court house, shall be as follows:

	Rs. a. p.
For the first affidavit, oath or affirmation-where within the limits of Dacca	16 0 0
Where beyond the limits of Dacca and within 5 miles ..	32 0 0

7. 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 Lower Court requires a document to be translated by a salaried translator of the Court :

	Rs. a. p.
One anna for every 3 words for documents written in a language other than the vernacular of East Pakistan and for every 5 words for other documents (three figures being counted as one word) subject to a minimum charge of ..	2 0 0

Note-When a party to any suit or appeal or his Advocate or when a Lower Court requires a document to be translated by a salaried translator of the Court within a specified time, the Registrar may, after satisfying himself that the work cannot be done during office hours without detriment to the current translation work of the Court, allow the work to be done after office hours on payment in cash, in addition to the usual fee prescribed above, of an extra fee calculated at one anna for every 6 words for documents written in a language other than the vernacular of East Pakistan and for every 9 words for other documents on account of remuneration of the translator doing the work, subject to a minimum charge of Re. i.

C.-Costs.

8. The following scale of costs shall ordinarily be allowed to the successful party in appeals to the High Court in its Appellate Jurisdiction.

<i>Second Appeals.</i>		Rs. a: p.
Not exceeding Rs. 500.	Drawing grounds of appeal	17 0 0
	{Hearing fee	17 0 0

		Rs.	a.	p
Exceeding Rs. 500 and not exceeding Rs. 1,000.	{ Drawing grounds of appeal	17	0	0
	{ Hearing fee	34	0	0
Exceeding Rs. 1,000 and not exceeding Rs. 2,000	{ Drawing grounds of appeal	34	0	0
	{ Hearing fee	68	0	0
Exceeding Rs. 2,000.	{ Drawing grounds of appeal	34	0	0
	{ Hearing fee	85	0	0

Paper-book cost to successful party irrespective of value of appeal	{	(i) If Appellant-			
		(a) Rs. 14 [Rs. 16 in appeals in which there was nay order of remand passed by the lower Appellate Court and in which the previous judgments (original and appellate) have been included in the paper-book) for each independent appeal, and			
		(b) in analogous appeals Rs. 14 or Rs. 16, as the case may be, for the first appeal, Rs. 2 per appeal up to four such appeals and Re. 1 for every appeal in excess of four, the additional charge for analogous appeals not exceeding Rs. 16 in any case.			
		(ii) If Respondent-			
		(a) Rs. 7 [Rs. 8 in appeals in which there was an order of remand passed by the Lower Appellate Court and in which the previous judgments (original and appellate) have been included in the paper-book] for each independent appeal, and			
		(b) in analogous appeals Rs. 7 or Rs. 8, as the case may be, for the first appeal and half the charges prescribed for the Appellant in respect of analogous appeals, the additional charge not exceeding Rs. 8 in any case			

Appeals from Original Decrees.

		Rs.	a.	p
Not exceeding Rs. 5,000	{ Drawing grounds of appeal	34	0	0
	{ Hearing fee	85	0	0
Exceeding Rs. 5,000 and not exceeding Rs. 10,000.	{ Drawing grounds of appeal	85	0	0
	{ Hearing fee	340	0	0
Exceeding Rs. 10,000 and not exceeding Rs. 20,000.	{ Drawing grounds of appeal	136	0	0
	{ Hearing fee	510	0	0
Exceeding Rs. 20,00 and not exceeding Rs. 50,000.	{ Drawing grounds of appeal	136	0	0
	{ Hearing fee	680	0	0
Exceeding Rs. 50,000 and not exceeding Rs. 75,000.	{ Drawing grounds of appeal	170	0	0
	{ Hearing fee	850	0	0
Exceeding Rs. 75,000 and not exceeding Rs. 100,000.	{ Drawing grounds of appeal	170	0	0
	{ Hearing fee	1,200	0	0
Exceeding Rs. 1,00,000	{ Drawing grounds of appeal	255	0	0
	{ Hearing fee	1,700	0	0

Appeals from Orders.

		Rs.	a.	p
Not exceeding Rs. 5,000	Same scales as in Second Appeals			
Exceeding Rs. 5,000 and not exceeding Rs. 10,000.	{Drawing grounds of appeal	34	0	0
	{Hearing fee	102	0	0
Exceeding Rs. 10,000	{Drawing grounds of appeal	34	0	0
	{Hearing fee	170	0	0

Revision Cases.

Not exceeding Rs. 2,000	{Drawing grounds of appeal	17	0	0
	{Hearing fee	17	0	0
Exceeding Rs. 2,000	{Drawing grounds of appeal	17	0	0
	{Hearing fee	34	0	0

Letters Patent Appeals

The same costs as are allowable in previous hearing.

Reviews and applications other than Revision cases.

(Where notice is given and opposite party appears).

To be fixed by the Judge or Judges who hear the application.

General Rules

When there are several parties to an appeal, review, or application one set of costs will generally be awarded, unless the Court, upon the application of the parties, shall otherwise order.

9. In cases where, on appeal to the High Court from an Original or Appellate Decree an order of remand is passed, the court-fee paid on the Memorandum of Appeal shall ordinarily be treated as costs in the appeal. But where an order of remand is made on any of the grounds mentioned in the first schedule, Order XLI, Rule 23 or 23A of the Civil Procedure Code, for a second decision by the Lower Court, this Court shall, on the verbal application 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 Court-fees Act VII of 1970.

Any such application 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.