



**LEGISLATIVE ASSEMBLY
OF
GOA, DAMAN AND DIU**

**The Court Fees (Goa, Daman and
Diu Amendment) Bill, 1966**

(Bill No. 1 of 1966)

(As passed by the Legislative Assembly of the
Union Territory of Goa, Daman and Diu on the
10th day of March, 1966)

**GOA, DAMAN AND DIU LEGISLATURE DEPARTMENT
ASSEMBLY HALL, PANJIM
1966**

The Court Fees (Goa, Daman and Diu Amendment) Bill, 1966

(Bill No. 1 of 1966)

A Bill to amend the Court Fees Act, 1870 in its application to the Union Territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Seventeenth year of the Republic of India as follows: —

1. Short title, extent and commencement:

(1) This Act may be called the Court Fees (Goa, Daman and Diu Amendment) Act, 1966.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government of Goa, Daman and Diu may, by notification in the Official Gazette, appoint.

2. For section 13 of the Court Fees Act, 1870 (hereinafter referred to as the principal Act), the following shall be substituted, namely: —

«13. Refund in cases of remand: (1) Where a plaint or memorandum of appeal which has been rejected by the lower Court is ordered to be received, or where a suit is remanded in appeal for a fresh decision by the lower Court, the Court making the order or remanding the appeal shall, where the whole decree is reversed and the suit is remanded, and may in other cases direct the refund to the appellant of the full amount of fee paid on the memorandum of appeal, and, if on second appeal the case is remanded to the trial Court, also on the memorandum of appeal in the first appellate Court.

(2) Where an appeal is remanded in second appeal for a fresh decision by the lower appellate Court the Judicial Commissioner's Court constituted under the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation 1963 when remanding the appeal may direct the refund to the appellant of the full amount of fee paid on the memorandum of second appeal.

(3) Notwithstanding anything contained in sub-sections (1) and (2) if the order of remand does not cover the whole of the subject matter of the suit the refund shall not extend to more than so much of the fee as would have been originally payable on that part of the subject matter in respect of which the suit has been remanded:

Provided that no refund shall be ordered if the remand was occasioned by the fault of the person who would otherwise be entitled to a refund».

3. After section 15 of the principal Act the following sections shall be inserted namely: —

«16. Refund in cases of delay in presentation of plaint, etc.:

(1) Where a plaint or memorandum of appeal is rejected on the ground of delay in its presentation, or where the fee paid on a plaint or memorandum of appeal is deficient and the deficiency is not made good within the time allowed by law or granted by the Court, or the delay in payment of the deficit fee is not condoned and the plaint or memorandum of appeal is consequently rejected, the Court shall direct the refund to the plaintiff or the appellant, of the fee paid on the plaint or memorandum of appeal which has been rejected.

(2) Where a memorandum of appeal is rejected on the ground that it was not presented within the time allowed by the law of limitation, one-half of the fee shall be refunded.

16.A. Refund on settlement before hearing:

Wherever by agreement of parties: —

- (i) any suit is dismissed as settled out of Court before any evidence has been recorded on the merits of the claim; or
- (ii) any suit is compromised ending in a compromise decree before any evidence has been recorded on the merits of the claim; or

(iii) any appeal is disposed of before the commencement of hearing of such appeal:

half the amount of all fees paid in respect of the claim or claims in the suit or appeal shall be ordered by the Court to be refunded to the parties by whom the same have been respectively paid.

Explanation (1): The expression "merits of the claim" refers to all matters which arise for determination in the suit not being matters relating to the frame of the suit, misjoinder of parties and cause of action, the jurisdiction of the court to entertain or try the suit or the fee payable, but includes matters arising on pleas of res-judicata, limitation and the like.

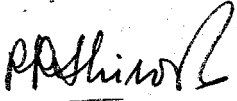
Explanation (2): The expression "hearing of the appeal" includes the "vista" of a case filed in the appellate court.

16.B. Refund of fee paid by mistake or inadvertence:— Any fee paid by mistake or inadvertence shall be ordered to be refunded.

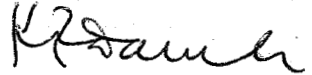
16.C. Procedure for obtaining refund when a person becomes entitled to a refund of court fees, the court shall grant a certificate authorising him to receive back from the Collector the amount specified therein, calculated according to the provisions of this Act».

THE ABOVE BILL HAS BEEN PASSED BY THE LEGISLATIVE ASSEMBLY.

ASSEMBLY HALL
PANJIM, APRIL 15, 1966.


(P. P. SHIRODKAR)
SPEAKER.

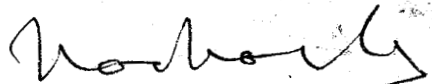
I RESERVE THE BILL FOR THE CONSIDERATION OF THE PRESIDENT.



ADMINISTRATOR.

PANJIM, APRIL 16, 1966.

I ASSENT TO THIS BILL.



PRESIDENT.

NEW DELHI,
18th May, 1966