

# THE BOMBAY HIGH COURT PROCESS FEES RULES, 2006

**P. No. 1601/2006, dated 2-11-2006.**--In exercise of the powers conferred upon it under section 32 of the Bombay Court Fees Act, 1959 the High Court of Judicature at Bombay makes the following rules prescribing fees chargeable for serving and executing processes issued by the High Court and all Civil, Criminal and other Courts subordinate to the High Court.

1. (a) These rules shall be called "Bombay High Court Process Fees Rules," 2006.

(b) They shall come into force on the date of their publication in *Official Gazette*.

2. The following fees shall be levied for serving and executing processes issued by the High Court,--

(a) Irrespective of nature and valuation of subject matter of dispute for all type of processes like, summonses, notices, warrants, proclamation, injunction orders, sale notices etc., (other than poundage fees) fees shall be charged at the rate of Rs. 50 for each defendant/respondent/non-applicant or accused.

(b) Such process fee shall be charged and paid at the time of institution of the proceeding. No process fee shall be charged for serving the process again on the same set of defendant/respondents/non-applicants/accused or their legal representatives till the proceeding is disposed of by the Court in which it is instituted.

Notes.—

(i) The fees prescribed are to be charged for each individual ordered **to be served with process**. When an individual is to be served in more than one capacity e.g. personally and also as guardian of minor or minors, only one set of fee is to be levied. Where process is to be issued for services at more than one place simultaneously against any one individual, an additional fee is to be levied for each place in which process is to be served.

(ii) Where process has to be issued in foreign territory, a sum sufficient to cover the fees in that territory shall be paid.

(iii) When process is to be served by Registered post, with acknowledgement due, the amount necessary for the same calculated at the prevailing postal rates shall be paid.

(iv) For the service of writ of injunction, the fees to be charged shall be, double the above rates.

(v) In case service by more than one mode, simultaneously is prayed/ ordered, process fee at the rate of Rs. 50 per mode and per defendant/ respondent/non-applicant, shall be levied.

3. The fees chargeable by all Civil Courts (except the Presidency Small Cause Court, Bombay) shall be as under namely:—

(i) The fee at present levied for serving and executing processes issued by the High Court shall continue to be levied.

(ii) (a) Irrespective of nature and valuation of subject matter of dispute for all types of processes like summonses, notices, warrants, proclamation, injunction order, sale notices etc. fees shall be charged at the rate of Rs. 50 for each defendant/respondent/non-applicant or accused:

Provided that if process by modes more than one, simultaneously is prayed and ordered, process fee at the rate of Rs. 50 per mode per respondent/defendant, non-applicant, shall be levied.

(b) such process fee shall be charged and paid at the time of institution of the proceeding. No process fee shall be charged for serving the process again on the same set of defendants/respondents/non-appliants/accused or their legal representatives till the proceeding is disposed of by the Court in which it is instituted:

Provided that those fees otherwise chargeable for the service of the summons shall not be required to be paid where the Court has under Rule 7A of Order XVI of the Code of Civil Procedure, 1908, permitted the service of a summons for the attendance of any person to be effected by a party and where the services of a Bailiffs are not required:

Provided further that where a party desires to avail the services of a special bailiff (vide paragraph 111, Chapter VIII, Civil Manual) for service of execution of a process, he shall be required to pay process fee as for process applied for an ordered to be executed as emergent in addition to the remuneration and the allowances of the bailiff for the period required for serving or executing the process, inclusive of the time occupied for going to and returning from the place at which the process is required to be served or executed, to be calculated in the manner provided in the following sub-paragraph.

(iii) where the remuneration and allowances of special bailiffs are required to be paid by the party under the forgoing sub-clause, the remuneration (inclusive of dearness allowance, compensatory allowance and the house rent allowance) shall be calculated at the actual rates of pay and other all allowances per day or part thereof per bailiff and the travelling and daily allowance to be recovered shall be those admissible to the bailiffs under the rules for the time being in force:

Provided that where the party provides for his own conveyance, no travelling allowance shall be recovered from the party.

(iv) (a) Whenever the remuneration and allowances of special bailiffs are recovered from the parties, additional temporary bailiffs, not exceeding the number of bailiffs whose remuneration and allowances are paid by the parties may be employed by the Presiding Judge for a period not exceeding the period for which the payment is recovered from the parties.

(b) Where such additional temporary bailiffs actually do the work of serving or executing a particular process for which the payment is recovered from the parties, the amount of remuneration and allowances recovered from the parties shall be paid to such additional temporary bailiffs.

(v) Where a summons or notices to a defendant or respondent is to be served by registered post with acknowledgement due, the process fee levied shall in no case be less than the actual amount required for registration and postage; provided however when a summons or notice is issued by registered post prepaid for acknowledgement, in addition to service through bailiff as provided under Rule 19A of Order V, Civil Procedure Code, no separate process fee shall be recovered from the party for such additional service but only amount required for registration and postage shall be recovered in addition to the process fee levied for service through bailiff.

(vi) With the sanction of the Court any party may pay the conveyance charges by railway or any public conveyance where such mode is available and in such case the process server shall be bound to proceed by such railway or public conveyance.

(vii) For processes applied for or ordered to be executed as emergent, the fee shall be in addition to the ordinary fee, half of the ordinary fee.

(viii) Where one individual is to be served in more than one capacity, e.g. personally and also a guardian of a minor or minors, only one set of fees is to be charged.

(ix) When process issued by a Civil Court other than a Mamlatdar Court is returned unseved and has to be re-issued for service, no further fees shall be charged.

(x) If a warrant has already been issued to arrest a judgment debtor who has failed to pay the decretal amount and who has been ordered to be imprisoned in a civil jail and such warrant of arrest is in force, no further fee is leviable on the order of the committee to jail.

(xi) No fee is to be charged for any process issued by a Court of its own motion.

(xii) No process fee shall be charged on proclamations under section 10 of Regulation VIII of 1827 and notices issued under the provincial Insolvency Act in the case of an application by a debtor.

**4.** The fees chargeable for serving and executing processes issued by Criminal Courts in the case of offences, other than offences for which Police Officers may arrest without a warrant, shall be under namely:--

(a) Irrespective of the nature and valuation of subject matter of dispute fees for all type of processes like, summonses, notices, warrants, proclamation, injunction orders, sale notices etc., but shall not include poundage fees shall be charged at the rate of Rs. 50 for each defendant/respondent/non-applicant or accused.

(b) Such process fee shall be charged at the time of institution of the proceeding. No process fee shall be charged for serving the process again on the same set of defendants/respondents/non-applicant or their legal representatives till the proceeding is disposed of by the Court in which it is instituted:

Provided that No fees shall be levied on any process issued upon the complaint of any Public Officer acting as such public officer.

(c) The Court may remit the process fees in any case, in whole or in part, whenever the Court is satisfied that the complainant or accused has not means of paying them.

(d) Process fees are leviable from Municipalities in respect of summonses and warrants issued in cases falling under section 263(3) of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Township Act, 1965.

5. Fees for service of process by any Court subordinate to High Court of Bombay and not specified elsewhere in these rules shall be same as prescribed in rule 3 of these rules.

6. All the rules made in this behalf from time to time and in force on the date of commencement of these rules shall stand repealed to the extent they are repugnant to these rules.

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