

18

The 15th December 1947.

No.L. 406/47/10.—The following Act of the Assam Legislative Assembly, having been assented to in His Majesty's name by the Governor, is hereby published for general information.

(Received the assent of the Governor on the 11th December, 1947.)

ASSAM ACT XVIII OF 1947

THE ASSAM COURT-FEES (AMENDMENT) ACT, 1947

(Passed by the Assembly)

[Published in the *Assam Gazette*, of the 17th December, 1947.]

An Act to amend the Court-fees Act, in its application to Assam

Preamble.

WHEREAS it is expedient to amend the Court-fees Act, Act VII of 1870, in its application to the Province of Assam, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

Short title
and com-
mencement.

1. (1) This Act shall be called the Assam Court-fees (Amendment) Act, 1947.

(2) It shall come into force at once.

Insertion of
new sections
7A, 7B, 7C
and 7D in
Act VII of
1870.

2. After section 7 of the Court-fees Act, 1870, the following shall be inserted as sections 7A, 7B, 7C and 7D, and shall apply to the whole of Assam, namely :—

“Inquiry as
to valuation
of suits.

7A. If the Court is of opinion that the subject-matter of any suit has been wrongly valued, it may revise the valuation and determine the correct valuation, and may hold such inquiry as it thinks fit for such purpose.

Investigation
to ascertain
proper
valuation.

7B. (1) For the purpose of an inquiry under section 7A the Court may depute, or issue a commission to, any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any evidence recorded by such person shall be evidence in the inquiry.

(2) The Court may, from time to time, direct such party to the suit as it thinks fit to deposit such sum as the Court thinks reasonable as the costs of the inquiry, and if the costs are not deposited within such time as the Court shall fix, may, notwithstanding anything contained in any other Act, dismiss the suit if such party is the plaintiff or the appellant and, in any other case, may recover the costs as a public demand.

Power of
persons
making in-
quiry under
sections 7A
and 7B.

7C. (1) The Court, when making an inquiry under section 7A and any person making an investigation under section 7B shall have, respectively, for the purposes of such inquiry or investigation, the powers vested in a Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely :—

(a) enforcing the attendance of any person and examining him on oath or affirmation ;

(b) compelling the production of documents or material objects ; and

Act V of
1908.

(c) issuing commissions for the examination of witnesses.

(2) An inquiry or investigation referred to in subsection (1) shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

Act XLV
of 1860.

Costs of inquiry as to valuation and refund of excess fee.

7D. If in the result of an inquiry under section 7A the Court finds that the subject-matter of the suit has been undervalued the Court may order the party responsible for the undervaluation to pay all or any part of the costs of the inquiry.

If in the result of such inquiry the Court finds that the subject-matter of the suit has not been undervalued the Court may, in its discretion, order that all or any part of such costs shall be paid by Government or by any party to the suit at whose instance the inquiry has been undertaken, and if any amount exceeding the proper amount of fee has been paid shall refund the excess amount so paid”.

F. A. AHMED,
Secy. to the Govt. of Assam, Legislative Deptt.