

HIGH COURT OF CHHATTISGARH, BILASPUR

Endorsement

Endt No. 4928 /Rules/2017

Bilaspur, dated 1-6-17

Copy of amendment in the Chhattisgarh Civil Courts Rules, 1961 forwarded to :

1. Private Secretary to Hon'ble the Chief Justice, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
2. Private Secretary to Hon'ble Mr. Justice Pritinker Diwaker, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
3. Private Secretary to Hon'ble Mr. Justice Prashant Kumar Mishra, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
4. Private Secretary to Hon'ble Mr. Justice Manindra Mohan Shrivastava, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
5. Private Secretary to Hon'ble Mr. Justice Goutam Bhaduri, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
6. Private Secretary to Hon'ble Mr. Justice Sanjay K. Agrawal, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
7. Private Secretary to Hon'ble Mr. Justice P. Sam Koshy, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
8. Private Secretary to Hon'ble Mr. Justice Chandra Bhushan Bajpai, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
9. Private Secretary to Hon'ble Mr. Justice Sanjay Agrawal, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
10. Private Secretary to Hon'ble Mr. Justice R.C.S. Samant, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
11. Private Secretary to Hon'ble Mr. Justice Anil Kumar Shukla, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
12. Private Secretary to Registrar General, High Court of Chhattisgarh, Bilaspur, for information.
13. Steno to Registrar (Vigilance/I.&E./Judicial/Computerization) High Court of Chhattisgarh, Bilaspur, for information.
14. Director, Chhattisgarh State Judicial Academy, High Court of Chhattisgarh, Bilaspur for information.
15. The District & Sessions Judge, Bastar at Jagdalpur/ Bilaspur/ Durg/ Raigarh/ Raipur/Rajnandgaon/Dakshin Bastar at Dantewara//Janjgir-Champa/Dhamtari/ Mahasamund/ Kabirdham (Kawardha)/ Korba/ Uttar Bastar(Kanker)/Korea (Baikunthpur)/ Jashpur at Jashpurnagar/Balod/Bemetara/Kondagaon/Surajpur/ Sarguja at Ambikapur /Baloda-Bazar with a request to circulate all the Judicial Officer of your district through e-mail.
16. The Principal Judge/Judge, Family Court Bilaspur/Korba/Raipur/Durg/Rajnandgaon/ Janjgir-Champa/Koriya(Manendragarh/Raigarh/Surguja at Ambikapur for information.
17. Member Secretary, Chhattisgarh State Legal Services Authority, Vidhik Seva Marg, Bilaspur for information.
18. Additional Registrar (Judicial/D.E. & E./Admn./S. & A. Cell/ M./Checker), High Court of Chhattisgarh, Bilaspur for information.
19. Additional Director (C.S.J.A.), High Court of Chhattisgarh, Bilaspur for information.
20. Officer-on-Special Duty, High Court of Chhattisgarh, Bilaspur for information.
21. Department of Commerce & Industries, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)
22. Commercial Dispute Resolution Centre, Rajya Yojana Ayog Building, Second Floor, Naya Raipur (C.G.)
23. Additional Registrar-cum-P.P.S., High Court of Chhattisgarh, Bilaspur for information.
22. The Budget Officer, High Court of Chhattisgarh, Bilaspur for information.
23. The Deputy Registrar (R.G. /Estt./Writ/Criminal/Civil/Vigilance/Works/D.E.), High Court of Chhattisgarh, Bilaspur for information.
24. The Assistant Registrar (Confidential)/Central Filing Section High Court of Chhattisgarh, Bilaspur for information.
25. In-Charge, NIC High Court Computer Cell, High Court of Chhattisgarh, Bilaspur with a direction to upload in the official web-site of this High Court.

(Deepak Kumar Tiwari)

Registrar (I&E) and Secretary to Rule Committee

“बिज़नेस पोस्ट के अन्तर्गत डाक शुल्क के
नगद भुगतान (बिना डाक टिकट) के प्रेषण
हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़
गजट / 38 सि. से. भिलाई, दिनांक
30-05-2001.”



पंजीयन क्रमांक
“छत्तीसगढ़/दुर्ग/09/2013-2015.”

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 196]

रायपुर, शुक्रवार, दिनांक 12 मई 2017 — वैशाख 22, शक 1939

विधि और विधायी कार्य विभाग
मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 12 मई 2017

अधिसूचना

क्र. 4493/1301/21-ब/छ0ग0/17. — भारत के संविधान के अनुच्छेद 227 सहप्रतिष्ठित छत्तीसगढ़ सिविल न्यायालय अधिनियम, 1958 (क्र. 19 सन् 1958) की धारा 23 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, छत्तीसगढ़ उच्च न्यायालय, छत्तीसगढ़ के राज्यपाल के पूर्व अनुमोदन से, छत्तीसगढ़ सिविल न्यायालय नियम, 1961 में निम्नलिखित संशोधन करते हैं, अर्थात् :-

संशोधन

उक्त नियमों में,—

1. नियम 430 के पश्चात्, निम्नलिखित अन्तःस्थापित किया जाये, अर्थात् :-

“430 क. इन नियमों में अन्तर्विष्ट किसी बात के होते हुए भी, वाणिज्यिक न्यायालय, वाणिज्यिक खण्डपीठ एवं उच्च न्यायालय के वाणिज्यिक अपीलीय खण्डपीठ अधिनियम, 2015 (क्र. 4 सन् 2016) के अधीन गठित वाणिज्यिक न्यायालय एवं वाणिज्यिक अपीलीय खण्डपीठ के समक्ष संस्थित वाणिज्यिक विवादों में संदेय आदेशिका शुल्क से संबंधित मामलों में, न्यायालय शुल्क और आदेशिका शुल्क का एकल भुगतान किया जायेगा, तथा छत्तीसगढ़ ई-न्यायालय फीस नियम, 2015 के अधीन उपबंधित रीति द्वारा एकमुश्त सम्मिलित करते हुए रु. 2000/- का आदेशिका शुल्क एक बार प्रभारित करते हुए प्राप्त किया जायेगा।”

2. नियम 523 के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाये, अर्थात् :-

"523. संविरोध मामलों में अनुज्ञात शुल्क.- वाद में या मूलवाद से अपील में या धन प्रभाव या अन्य निजी संपत्ति या भूमि हेतु या किसी भी प्रकार के अन्य स्थावर संपत्ति हेतु वाद में अपीलीय डिक्री, जब ऐसे वाद या अपीलों का निराकरण संविरोध के पश्चात् गुण-दोष के आधार पर किया जाता है :-

- (1) यदि दावे की राशि या मूल्य रु. 5000/- 10 प्रतिशत से अधिक नहीं है।
- (2) यदि राशि या मूल्य रु. 5000/- से अधिक है और रु. 20000/- से अधिक नहीं है, रु. 5000/- पर, उक्त अनुसार एवं शेष भाग पर 5 प्रतिशत।
- (3) यदि राशि या मूल्य रु. 20000/- से अधिक है और रु. 50000/- से अधिक नहीं है, रु. 20000/- पर, उक्त अनुसार एवं शेष भाग पर 2 प्रतिशत।
- (4) यदि राशि या मूल्य रु. 50000/- से अधिक है, रु. 50000/- पर, उक्त अनुसार एवं उससे अधिक की किसी राशि पर 1 प्रतिशत।

स्पष्टीकरण.- इस नियम के प्रयोजन के लिये, किसी भी वाद या अपील में दावे का मूल्य, वाद या अपील के ज्ञापन में वर्णित मूल्य, उस दशा के सिवाय दावे का मूल्य माना जायेगा, जहाँ मूल्य दावे या अपील में विवादक रहा हो जिसमें न्यायालय द्वारा अवधारित किये गये मूल्य को दावे का मूल्य माना जावेगा। ऐसे प्रकरणों में जिनमें वाद की विषय वस्तु मूल्यांकन को स्वीकार नहीं करता या प्रवर्तित कराये जाने हेतु चाहे गये अधिकार का आर्थिक मूल्य स्पष्ट रूप से पारिभाषित नहीं किया जा सकता, तब देय न्यायालय फीस के गणना के लिए अधिनियम क्र. दो सन् 1870 की धारा 7 के अनुसार मूल्यांकन की गणना की जा सकेगी, या उस प्रकरण में कार्यवाहियों में लगे समय एवं उद्भूत प्रश्नों के स्वरूप को ध्यान में रखते हुए, उचित शुल्क स्वीकार किया जा सकेगा।"

3. नियम 526 के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाये, अर्थात् :-

"526. ऐसे प्रकरणों जिनमें प्रतिवाद न किया गया हो, शुल्क, नियम 523 के उपबंधानुसार परिगणित राशि की आधी होगी।"

4. नियम 527 के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाये, अर्थात् :-

"527. निर्णय के पुनर्विलोकन एवं वापसी के प्रकरणों में, शुल्क, नियम 523 के उपबंधानुसार परिगणित राशि की आधी होगी।"

5. नियम 530 के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाये, अर्थात् :-

"530. (1) विविध अपीलों में, शुल्क, नियम 523 के उपबंधानुसार परिगणित राशि की आधी होगी।

- (2) भू अर्जन अधिनियम की धारा 18 या भू अर्जन, पुनर्वासन एवं पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 की धारा 64/65 के अधीन कार्यवाहियों में, शुल्क, विवादित स्वत्व की राशि या मूल्य पर, नियम 523 के उपबंधानुसार परिगणित राशि की आधी होगी।

- (3) डिक्री के निष्पादन हेतु अन्य विविध कार्यवाहियों में, कार्यवाहियों के स्वरूप एवं महत्व को देखते हुए न्यायालय द्वारा शुल्क नियत किया जायेगा किन्तु वह नियम 523 के उपबंधानुसार परिगणित राशि के चतुर्थांश से अधिक नहीं होगी।"

6. नियम 535 के स्थान पर, निम्नलिखित प्रतिस्थापित किया जाये, अर्थात् :-

"535. प्रमाणपत्र यथासंभव निम्नांकित रूप का होगा :-

न्यायालय में प्रकरण क्रमांक सन् पक्षकारान तथा के मध्य,

मैं प्रमाणित करता हूँ कि उपरोक्त प्रकरण में निम्न शुल्क मुझे चेक क्रमांक द्वारा भुगतान किया गया या मेरे बचत बैंक खाता क्रमांक में हस्तान्तरित किया गया या विधि में अनुज्ञेय रीति से ऑनलाईन या मुद्रा रहित भुगतान किया गया जो कि प्रकरण में मेरे सहयोगी थे (या होने वाले थे) की शुल्क के रूप में निम्नांकित दिनांक को नीचे विनिर्दिष्ट व्यक्तियों से प्राप्त हुई है और ऐसे शुल्क का कोई अंश वापस नहीं किया गया है और न ऐसी वापसी या परिहार को कोई अनुबंध मेरे द्वारा या मेरे ओर से किसी अन्य द्वारा (या श्री जो इस प्रकरण में मेरे सहयोगी थे (या होने वाले थे) की ओर से किया गया है।

मेरा पेन नम्बर है तथा मेरे सहयोगी का पेन नम्बर है।

भुगतान की तारीख	भुगतान की गई राशि	व्यक्ति का नाम एवं पता जो वास्तव में भुगतान किया हो	उस व्यक्ति का नाम जिसकी ओर से वह भुगतान किया गया था	टिप्पणियाँ
(1)	(2)	(3)	(4)	(5)

दिनांक

अधिवक्ता के हस्ताक्षर

रजिस्ट्रार जनरल

No. 4493/1301/XXI-B/C.G./17. — In exercise of the powers conferred by Article 227 of the Constitution of India read with Section 23 of the Chhattisgarh Civil Courts Act, 1958 (No. 19 of 1958), and with previous approval of the Governor of Chhattisgarh, High Court of Chhattisgarh, hereby, makes the following amendment in the Chhattisgarh Civil Court Rules, 1961, namely :-

AMENDMENT

In the said Rules,-

1. The following be inserted after the Rule 430, namely :-

"430A. Notwithstanding anything contained in these rules, in the matters relating to process fee payable in commercial disputes instituted before the Commercial Courts and Commercial Appellate Division constituted under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (No.4 of 2016), single payment towards court fee and process fee shall be made including lump sum process fee of Rs. 2000/- to the charged once, in the mode provided under the Chhattisgarh e-Court Fee Rules, 2015."

2. For Rule 523, be substituted by the following, namely :-

"523. Fees allowed in contested cases.- In suits, or in appeal from original or appellate decrees in suits for money effects or other personal property or for land or other immovable property of any description when such suits or appeals are decided on the merits after contest :-

- (1) if the amount or value of the claim does not exceed Rs. 5000/- 10 percent.
- (2) if the amount or value exceeds Rs. 5000/- and does not exceed Rs 20,000/- on Rs. 5000/- as above, and on the remainder 5 percent.
- (3) if the amount or value exceeds Rs. 20,000/- and does not exceed Rs. 50,000/- on Rs. 20,000/- as above and on the remainder 2 percent.
- (4) if the amount or value exceeds Rs. 50,000/- on Rs.50,000/- as above and on any amount in excess thereof at 1 percent.

Explanation.- For the purposes of this rule, the value of claim on any suit or appeal shall be taken to be the value stated in the plaint or memorandum of appeal except where the value has been in issue in the suit or appeal in which case the value determined by the Court shall be taken to be the value of the claim. In cases in which the subject-matter of the claim does not admit of valuation or pecuniary value of the right sought to be

enforced cannot be exactly defined, the fee may be calculated according to the valuation under Section 7, Act II of 1870, for computation of the Court-fees payable or a reasonable fee may be allowed, regard being had to the time occupied by the proceedings in the case and the nature of the question raised."

3. For Rule 526, be substituted by the following, namely :-

"526. In cases which are underlined the fee shall be one-half of the amount calculated according to the scale in Rule 523."

4. For Rule 527, be substituted by the following, namely :-

"527. In cases for review of judgments and remands, the fee shall be one-half of the amount calculated according to the scale in Rule 523."

5. For Rule 530, be substituted by the following, namely :-

"530. (1) In miscellaneous appeals the fee shall be one-half of the amount calculated according to the scale in Rule 523.

(2) In proceedings under Section 18 of the Land Acquisition Act or under Section 64/65 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the fees shall be one-half of the amount calculated according to the scale in Rule 523 on the amount or value of the right in dispute.

(3) In other miscellaneous proceedings for the execution of a decree, the fee shall be fixed by the Court with reference to the nature and importance of the proceedings, but shall not exceed one-fourth of the amount calculated according to the scale in Rule 523."

6. For Rule 535, be substituted by the following, namely:-

"535. The certificate shall, as far as possible, be in the following form:-

"In the Court of the Case No. Of
between and"

I hereby certify that in the above named case the following fees were paid to me by cheque bearing no.....or has been transferred to my Saving Bank Account no.....or the payment has been made on-line or in cashless mode permissible in law, as my exclusive fee [or as my fee as well as that of.....who was (or was to be) associated with me in the case] on the dates and by the persons specified below and that no portion of such fees has been returned and that no agreement for such return or remission has been made by me or by any one on my behalf [or on behalf of.....who was (or was to be) associated with me in the case]

My PAN Number is.....and PAN Number/s of my Associate/s is/are.....

Date of Payment	Amount Paid	Name and address of Person who actually made the payment	Name of Person on whose behalf payment was made	Remarks
(1)	(2)	(3)	(4)	(5)

Dated.....

Signature of Advocate."

Registrar General

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
व्ही. के. होता, अतिरिक्त सचिव.

enforced cannot be exactly defined, the fee may be calculated according to the valuation under Section 7, Act II of 1870, for computation of the Court-fees payable or a reasonable fee may be allowed, regard being had to the time occupied by the proceedings in the case and the nature of the question raised."

3. For Rule 526, be substituted by the following, namely :-

"526. In cases which are underended the fee shall be one-half of the amount calculated according to the scale in Rule 523."

4. For Rule 527, be substituted by the following, namely :-

"527. In cases for review of judgments and remands, the fee shall be one-half of the amount calculated according to the scale in Rule 523."

5. For Rule 530, be substituted by the following, namely :-

"530. (1) In miscellaneous appeals the fee shall be one-half of the amount calculated according to the scale in Rule 523.

(2) In proceedings under Section 18 of the Land Acquisition Act or under Section 64/65 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the fees shall be one-half of the amount calculated according to the scale in Rule 523 on the amount or value of the right in dispute.

(3) In other miscellaneous proceedings for the execution of a decree, the fee shall be fixed by the Court with reference to the nature and importance of the proceedings, but shall not exceed one-fourth of the amount calculated according to the scale in Rule 523."

6. For Rule 535, be substituted by the following, namely:-

"535. The certificate shall, as far as possible, be in the following form:-

"In the Court of the Case No. Of
between and"

I hereby certify that in the above named case the following fees were paid to me by cheque bearing no.....or has been transferred to my Saving Bank Account no.....or the payment has been made on-line or in cashless mode permissible in law, as my exclusive fee [or as my fee as well as that of.....who was (or was to be) associated with me in the case] on the dates and by the persons specified below and that no portion of such fees has been returned and that no agreement for such return or remission has been made by me or by any one on my behalf [or on behalf of.....who was (or was to be) associated with me in the case]

My PAN Number is.....and PAN Number/s of my Associate/s is/are.....

Date of Payment	Amount Paid	Name and address of Person who actually made the payment	Name of Person on whose behalf payment was made	Remarks
(1)	(2)	(3)	(4)	(5)

Dated.....

Signature of Advocate."

Registrar General

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार, -
व्ही. के. होता, अतिरिक्त सचिव.