

**KARNATAKA ACT NO. 10 OF 2003
KARNATAKA COURT FEES AND SUITS VALUATION
(AMENDMENT) ACT, 2003**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 43
3. Amendment of section 58
4. Amendment of section 59
5. Amendment of section 60
6. Amendment of section 71
7. Omission of section 72
8. Substitution of section 73
9. Omission of sections 74 to 76
10. Amendment of section 78
11. Transitional provision
12. Power to remove difficulties

STATEMENT OF OBJECTS AND REASONS

In order to give effect to the proposals made in the Budget Speech for the year 2002-2003, it is considered necessary to amend the Karnataka Court Fees and Suits Valuation Act, 1958, to dispense with the use of stamps and stamp papers and to start using impressed stamps.

Hence the Bill.

[L.A. BILL No. 10 of 2003]

(Entry 3 of List-II of the Seventh Schedule to the Constitution of India)

KARNATAKA ACT NO. 10 OF 2003

(First published in the Karnataka Gazette Extra-ordinary on the thirty first day of March, 2003)

**KARNATAKA COURT FEES AND SUITS VALUATION
(AMENDMENT) ACT, 2003**

(Received the assent of the Governor on the twenty ninth day of March, 2003)

An Act further to amend the Karnataka Court Fees and Suits Valuation Act, 1958.

Whereas it is expedient further to amend the Karnataka Court Fees and Suits Valuation Act, 1958 (Karnataka Act 16 of 1958) for the purposes hereinafter appearing:

Be it enacted by the Karnataka State Legislature in the Fifty-fourth year of the Republic of India as follows:

1. Short title and commencement.- (1) This Act may be called the Karnataka Court Fees and Suits Valuation (Amendment) Act, 2003.

(2) It shall come into force with effect from the First day of April, 2003.

2. Amendment of section 43.- In section 43 of the Karnataka Court Fees and Suits Valuation Act, 1958 (Karnataka Act 16 of 1958) (hereinafter referred to as the principal Act) sub-sections (3) and (4) shall be omitted.

3. Amendment of section 58.- In section 58 of the principal Act,-

(1) in sub-section (1) for the words "cause the probate or letters to be duly stamped" the words "cause the deficit fee to be recovered" shall be substituted;

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(2) in sub-section (3) for the words “cause the probate or letters to be duly stamped on payment of the deficit fee “ the words “ cause the deficit fee to be recovered” shall be substituted;

(3) in sub-section (4) for the words “cause the probate or letters to be properly stamped on payment of the deficit fee “ the words “ cause the deficit fee to be recovered” shall be substituted.

4. Amendment of section 59.- In section 59 of the principal Act,-

(1) in the heading, the words "before letters stamped" shall be omitted;

(2) for the words “ shall not cause the same to be duly stamped in the manner aforesaid until the administrator has given such security to the Court” the words “ shall require the administrator to give such security to the court” shall be substituted.

5. Amendment of section 60.- In section 60 of the principal Act, in sub-section (2), for the words starting with “amended valuation is correct” and ending with “should have been paid” the words “amended valuation is correct, he shall refund the difference between the fee originally paid and that which should have been paid and endorse a certificate accordingly on the probate or letters of administration” shall be substituted.

6. Substitution of section 71.- For section 71 of the principal Act, the following section shall be substituted, namely:-

“71. Collection of fees.- All fees chargeable under this Act may be paid,-

(i) in cash where the amount of fees is not more than rupees five hundred;

(ii) in the Government Treasury or through a Demand Draft in case the amount of fee is more than rupees five hundred:

7. Omission of section 72.- Section 72 of the principal Act shall be omitted.

8. Substitution of section 73.- For section 73 of the principal Act, the following section shall be substituted, namely:-

“73. Amended document.- Where any document in respect of which fee is chargeable under this Act is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh fee.”

9. Omission of sections 74 to 76,- Section 74, 75 and 76 of the principal Act shall be omitted.

10. Amendment of section 78.- In sections 78 of the principal Act, in sub-section (2), clauses (e) to (j) shall be omitted.

11. Transitional provision.- Notwithstanding anything contained in the principal Act as amended by this Act all the provisions of the principal Act as in force immediately before the date of commencement of this Act shall continue to apply to the stamps used for payment of fees under the principal Act or in the process of use or to any proceeding pending on such date or may be commenced after such date in respect of such stamp as if the provisions of the principal Act as in force before such date are in force.

12. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of the Karnataka Court Fees and Suit Valuation (Amendment) Act, 2003, the State Government may, by notification make such provisions as appear to it to be necessary or expedient for removing the difficulty.

By Order and in the name of the Governor of Karnataka

M.R. Hegde

Secretary to Government,
Department of Parliamentary Affairs and Legislation.