

CHAPTER 5**PROCESSES FEES****PART A—REMARKS AND DIRECTIONS**

1. A table of the fees chargeable on processes should be exhibited in each Court in some conspicuous place.

Table of fees to be exhibited in each Court house.

2. The Court-Fees Act, section 20, clause (ii), restricts the levy of a fee on criminal processes to non-cognizable cases. The fee for such processes has been fixed at a uniform rate of twelve annas.

Fee on criminal processes.

3. Every criminal summons for the service of which a fee is levied under the rules framed by the High Court under section 20 of the Court-fees Act (VII of 1870) shall be served by the process-serving establishment of the court issuing the summons.

Agency for service of criminal processes on which fee is levied.

4. Courts are reminded that, under section 546-A of the Code of Criminal Procedure, in cases of conviction of an accused of the offence of wrongful confinement, wrongful restraint, or of any non-cognizable offence, the court may by its order direct that the accused should pay to the complainant any sum that he may have expended in issue of processes; and such sum may be recovered in the manner provided for recovery of fines.

Recovery of process fee from accused as a fine in certain cases.

5. With regard to the service of processes issued by Revenue Courts and Revenue Officers, the Financial commissioners, Punjab, have in exercise of the powers conferred by clause (c) of sub-section (1) of section 155 of the Punjab Land Revenue Act, 1887, made the following rules :-

Rules

- (1) Notwithstanding the separation of the Revenue from the Civil Courts, Revenue Courts and Revenue

Officers shall send the processes issued by them, for which process fee is charged, to the civil process serving agency for service and execution.

- (2) The control over income derived from process fees in all Revenue Courts and Revenue Offices and the expenditure on establishment, etc., from this source, shall be retained by the High Court. The Commissioners and the subordinate Revenue Courts and Officers shall maintain the registers and accounts prescribed by the Rules and Orders of the High Court and submit the annual returns in the prescribed form.
- (3) The Revenue Courts and Officers of the Punjab are, for the purpose of levying process fees, divided into three grades as shown in the annexed table :-

Grade	Revenue Courts
First ..	Financial Commissioners
Second ..	Commissioners
Third ..	Collectors and Assistant Collectors

The process fee shall be levied in accordance with the rules framed by the High Court under section 20(i), (ii) of the Court Fees Act, 1870, as contained in Chapter 5-B of the High Court Rules and Orders, Volume IV.

(Financial Commissioners' Office, Punjab, notification No. 54-R, dated the 15th January, 1946)

6. No process shall be prepared or issued until the proper fee for the service thereof has been paid, but as soon as the process fee (talbana) is paid by a litigant, his agent or his pleader, a receipt in the form given below shall be

Diary of process fees. Receipts for process fees. Preparation and issue of processes.

granted by the ahlmad or other official receiving the same, and thereafter the court fee label denoting the fee shall be affixed to the diary of process fees and immediately punched. The process shall then be prepared but it will be left to the party who applied for the process to issue it or not as he thinks fit. This will obviate the necessity for making any refund of the value of court fee filed on account of processes which are not eventually issued.

7. On every process issued from any Court the following particulars shall be recorded, namely :- (1) the name of the process-server deputed to serve or execute the same; (2) the period within which the process-server is required to certify service or execution; (3) the amount of fee paid and the date of payment; and (4) the date of return after service or execution.

Particulars to be noted on processes issued.

Such endorsements shall be signed by the Civil Nazir or Naib-Nazir, or Bailiff.

8. An account of Court fee stamps realised as process fee of processes issued (civil and criminal), of the number of process-servers employed, of the cost of establishment and of contingencies shall be kept for each court where a separate establishment is entertained.

Accounts of process fees and costs of establishment to be maintained.

9. A statement giving information on the above points should be submitted with the annual civil reports.

Review of process-serving establishment in civil report.

10. With the record of each Civil case, and of each Criminal case in which process fees are levied, should be kept a separate sheet of paper to be termed the 'Diary of process fee' which should be devoted to the sole purpose of maintaining a record of process fees. This diary should be in the prescribed form, and should form a portion of part B. In it entries should be made in chronological order of every process ordered to be issued in the case, and the stamps should be affixed opposite each entry and cancelled immediately upon being affixed.

Diary of process fees.

Process fee in case of substituted service.

11. In cases of substituted service under Order 5, Rule 20, Civil Procedure Code, one process fee shall be charged to cover all the acts done under that rule. In case of drum beating or publications in a News paper the charges for the same shall be paid in addition to the process fees.

No process fee for several attempts to serve the same process.

12. Where a process-server makes several visits before the date of hearing in order to serve the *same* process, no additional process fee shall be charged for those extra visits.

^[1]13. Deleted.

^[1]14. Deleted.

No fee to be charged for serving and executing processes on behalf of prosecution in certain criminal proceedings.

15. Attention is drawn to the Court Fees (Punjab Amendment) Act, 1939, Punjab Act IV of 1939, which lays down that no fees shall be charged for serving and executing processes on behalf of the prosecution in any criminal proceedings taken on information presented or complaint made by a public officer acting in his official capacity.

The State Government may by notification determine what persons shall be deemed to be public officers for this purpose.

NOTE.—The Government has declared all Police officers to be public officers for this purposes.

[1] Deleted vide Correction Slip No. 129/113 Rules/II.D.4 dated 14.11.2003