

## Stamp Reporter Section (Civil Matters)

In view of the provisions contained in Chapter XI of Rule 3 of the Allahabad High Court Rules, 1952, the office reports on the memorandum of petitions are made in the section called Stamp Reporter Section. This section is divided into two sub sections viz.:

- 1) Stamp Reporter 'A', 'B', 'C' Section deals with office reports on Writ petitions Civil and Criminal both, First appeal, FAFO, Second Appeal, Special Appeals, Revisions, Tax matters, Contempt petitions, Company petitions, Testamentary and Election Petitions.  
Presently known as Stamp Reporter (Civil)
- \* 2) Stamp reporter 'D' Section deals with the office report on criminal appeals, government appeals, revisions, bail applications etc. Presently known as Stamp Reporter (Criminal)

The learned advocates after preparing the memorandum of petition as per the provisions as contained in Chapter IX Rule 1 as well as petitions as provisions as contained in Chapter 22 Writs under Article 226 of the constitution of India, Writ petition under Article 227 and Writ petition in the nature of Habeas Corpus shall prepare the petition and submitted to the office of the Stamp Reporter for office report.

In case of Writ petition under Article 226 and 227 of the constitution of India, the learned advocates prepare a memorandum of petition having index, dates and events, stay application with affidavit (if required), accompanying with the copy of the impugned order and required annexures, affidavit, vakalatnama etc., submitted to the office of the Stamp Reporter for office report.

S.R.

There are separate four counters in the stamp reporter section for receiving the Writ petitions, appeals, contempt and caveat applications. After receipt of the petitions the concerned official who allocated the duty to receive the petition and according to chart the process of reporting are completed.

S.R.

**PROCEDURE:** When the case of different nature namely, First Appeal, FAFO, Second Appeal, Civil Revision, C.T.R., I.T.A., Contempt and Writ Petitions are presented for office report, they are entered into fresh institution registers meant for and token numbers are allocated and given to the Ld. Counsels. Thereafter, the cases are distributed according to its serial amongst the assistants entrusted to submit reports whether the Court Fee is sufficiently paid, limitations, cognizance, required paper are readable, typed copy annexed and otherwise in order or not, and then given to the concerned official for reporting caveats whose duty is to examine from the uploaded database of caveats. Thereafter, the cases are put up on the table of Stamp Reporter whose duty is to examine the feasibility of the report submitted by the assistants and after putting his/her signature on the report, clear it off. After the final report of the Stamp Reporter the cases are sent for codification, punch and cancel of stamps affixed on the memos of the cases.

During the procedure of reporting, if some deficiencies/defects are found the same is reported. The Learned Counsels get the deficiencies/defects removed and obtain defects removal report from the Stamp Reporter. If deficiencies/defects are such, which they can not remove immediately, they annex a miscellaneous application for grant of time before the Court as and when they present it in the Fresh Filing Counter.

#CIS System at present

SEALS USED:

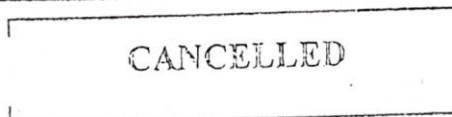
1. Reporting Seal

Memo,
Stamp Rs.....
Intime upto.....
Stamp sufficient.....
Papers filed.....
Cognizable by Single Judge.....
Caveat filed by.....
with full particulars
Cause of action arises at.....
Remarks.....
Date.....
Stamp Reporter S.R.

2. Coding Seal

District.....
Group.....
Bench.....
Court Fee.....
Caveater.....
Case number.....
Notice number.....
Category Code.....
Signature of Official S.R.

3. Stamp Cancellation Seal



#### 4. Final Checking Seal

Section Officer.....	
Please send the Lower Court records as and when received for final checking.	
Reporter	Stamp
S.R.	

#### FIRST APPEAL

1. First appeal u/s 96 C.P.C. Will lie before this Hon'ble Court against the original decree. Limitation: 90 days from the date of Judgment in view of SCC 1999 Vol. 8 Page 315. Cognizance report will be made as per valuation of appeal is Rs. 5,00,000/-. It is cognizable by Single Judge and above valuation of appeal is Rs. 5,00,00/- and above by Divisional Bench.
2. No First Appeal u/s 96 C.P.C. Will lie against the consented decree in view of section 96(3) C.P.C.
3. First appeal u/s 381 U.P. Nagar Palika Adhiniyam. Limitation: 90 days.
4. First Appeal u/s 54 Land Acquisition Act will lie against section 18 L.A. Act. Court fee chargeable according to valuation of appeal as provided u/s 8 of the court fee act.
5. First appeal u/s 19 of the Family Court Act will lie against any order passed by the family court. Limitation: 30 days from the date of Judgment. Court fee Rs. 37.50/- according to the nature of the case. Cognizable by the Divisional Bench as provided under the Act.
6. First appeal u/s 20 of the Coal Bearing Areas Acquisition and development Act 1957. Limitation: 30 days from the date of award as provided under the Act.
7. First appeal u/s 39, Special Marriage Act 1954. Court fee of Rs. 37.50 fixed. Limitation: 90 days from the date of Judgment as provided u/s 39(4). Incapable of valuation of appeal, hence it is cognizable by Single Judge.
8. First appeal u/s 34, U.P. Municipal Corporation. Court fee of Rs. 200, Treasury Challan of Rs. 500/- . Limitation: 30 days from the date of order, against the order passed by D.J./A.D.J. In election petition.
9. First appeal u/s 47, U.P. Kshetriya Panchayat and Zila Panchayat. Court fee of Rs. 500/- through tender as provided under the Act.
10. First appeal u/s 28, H.M. Act against section 18 H.M. Act, Maintenance Act. Limitation: 90 days, court fee chargeable according to valuation of appeal in view of section 7(ii)a of the court fee act.
11. First appeal u/s 299 Indian Succession Act will lie against probates if it comes against decree. Court fee Rs. 25/- as provided under schedule II article 1(3) page 118 of the court fee act.

## SECOND APPEAL

1. Second Appeal u/s 100 C.P.C. Will lie to this Hon'ble Court against the appellate decree. Limitation: 90 days from the date of appellate court Judgment as provide under SCC 1999 (8) Page 315. Court fee chargeable according to relief claimed. Both the Judgment and decree are the required papers.

2. Second Appeal u/s 100 C.P.C. Will lie against section 13 H.M. Act, divorce suit decide by A.D.J. In Civil appeal. Court fee of Rs. 37.50/- according to nature of case. Limitation : 90 days in view of AWC 1983 page 229

3. No Second Appeal will lie from any decree where the subject matters of the original suit if for recovery of money not exceed Rs. 25,000/- as provided u/s 102 C.P.C.

4. No Second Appeal will lie against abatement, finding, Indian Succession Act.

5. No Second Appeal will lie if the valuation below Rs. 3000/- in damage suit.

6. Second Appeal u/s 100 C.P.C. Against order XXI Rule 103 C.P.C. Court fee of Rs. 22/- fixed as provided under schedule II Article 17(1) Page 124 of Court Fee Act.

## FIRST APPEAL FROM ORDER

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1. FAFO u/s 173 of Motor Vehicle Act will lie u/s 166, 144 M.V. Act award/enhancement, certificate of deposit Rs. 25,000/- if defendant comes. Court fee of Rs. 5/- fixed. Limitation 90 days from the date of award as provided under order XX Rule 7 C.P.C.

2. No FAFO u/s 173 M.V. Act will lie if the valuation of appeal is below Rs. 10,000/- as provided under the Act.

3. FAFO u/s 37 of Arbitration & Conciliation Act against section 34, 8, 9, 15, 19, 20, 30<sup>34</sup> of the Arbitration & Conciliation Act. Limitation 90 days from the date of Judgment.

4. FAFO u/s 30 of the Employee Compensation Act 1923 Court fee of Rs. 5 fixed. Limitation 60 days from the date of order as provided u/s 30(2) of this act. Certificate of deposit is required if defendant comes.

5. FAFO u/s 384 Indian Succession Act.

6. FAFO u/s 299 Indian Succession Act against probate against order.

7. FAFO u/s 104 (FFA) of CPC against Sec 91,92 CPC

8. FAFO u/s 50 of the Arbitration and Conciliation Act 1996. Court fee RS. 200/- fixed by the Hon'ble H.L. Gokhle C.J.

9. FAFO u/s<sup>74</sup> of Mental Health Act 1987 Court Fee of Rs. 5/-

10. FAFO u/s<sup>35</sup> of the Foreign Exchange Management Act 1999. Court Fee of Rs. 200/- fixed. Limitation 60 days from the date of communication of order. Cognizable by Division Bench.

11.FAFO u/s 23 Railway Claim Tribunal Court Fee of Rs. 5/- Limitation 90 days from the date of order. Cognizance according to the valuation.

12.FAFO u/s 55 Divorce act Court Fee of Rs. 5/-. Limitation 90 days. Valuation incapable. Cognizance by Single Judge.

*Company Appeal*  
13.FAFO u/s 10-F of Company Act will lie against Company Law Board. Court Fee Rs. 5/- Limitation 60 days, cognizance according to valuation. by S.J.

14.FAFO u/s 72 Copyright Act Court Fee RS. 5/- Limitation 90 days. Cognizance by Single Judge.

15.FAFO u/s 82 Employees State Insurance Act, Court Rs. 5/- Limitation 60 days. Cognizance by Single Judge.

16.FAFO under section 6 A Court fees Act will lie to this Hon'ble Court; Court fee of Rs. 5/- Limitation 90 days from the date of order. Cognizance as per valuation.

17.FAFO u/s 75 (2) sehi provincial solvency Act; Limitation 90 days from the date of order as required u/s 75(4) P.I Act. Cognizance as per valuation

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18.FAFO u/s 22-A chartered Accountant Act Court Fee of Rs 5; Limitation 30 days from the date of order as provided under the Act; cognizance as per Valuation.

19.FAFO u/s 47 Guardian and Wards Act 1890 will lie against section 7,9,25,26,28,32,39,40,43,44 G W Act; Court Fee of Rs 5; L imitation 90 days from the date of order; Cognizance as per valuation

20.FAFO u/s 39 Chapter II Special Marriage Act; Court Fee of Rs 5; Limitation 90 days from the date of order cognizance as per valuation.

21.FAFO order 43 Rule I (a) CPC will lie; returning a plaint to be presented to the proper Court (except where the procedure specified in Rule 10 A of order VII has been followed.

22.FAFO order 43 Rule I (c)CPC will lie against O ix R ix CPC; Rejecting an application (in a case open lie appeal) for an order to set aside dismissed of a suit.

23.FAFO order 43 Rule I (d)CPC will lie against O ix R ix CPC; an order Rejecting an application (in a case open lie appeal) for an order to set aside a decree passed ex party

24.FAFO Order43 Rule (b) CPC will lie against O xi R 21 CPC; Non-compliance of an order will tantamount to recovery

25.FAFO order 43 Rule I (i) CPC will lie against Order xxi rule 34 order CPC; an objection to the draft of a decree or of an endorsement.

26.FAFO order 43 Rule I (j) CPC will lie against O ix 72 order 96 CPC; an order setting aside or refusing to set aside a date.

27.FAFO u/s 43 Rule I (ja) CPC will lie against O xxi Rule 106(1)105(1) CPC; An order rejecting an application.

28.FAFO u/s 43 Rule I (k) CPC will lie against O xxii Rule 9 CPC; An order referring to set aside the abatement or dismissed of a suit.

29.FAFO u/s 43 Rule I (l) CPC will lie against O xxii Rule 10 CPC; An order giving or refusing to give leave.

30.FAFO u/o 43 Rule I (n) CPC will lie against O xxv Rule 2 CPC; An order rejecting an application.

31.FAFO u/o 43- Rule I (na) CPC will lie against O xxxiii Rule 5,7 CPC; An order rejecting an application for permission to see as an indigent person.

32.FAFO u/o 43 Rule I (p) CPC will lie against O xxxv Rule 3,4,6 CPC; An order in inter pleader suit

33.FAFO u/o 43 Rule 1(q) CPC will lie against O xxxviii Rule 2,3,6 CPC; An order regarding security discharge or suit, attachment when cause not shown or security not furnish.

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34.FAFO u/o 43 Rule 1(r) CPC will lie against O xxxix Rule 1,22A CPC; cases in which temporary injunction may be granted; injunction to rest raise a repetition or continuance of breach discharging varying or setting aside an injunction order to deposit money in court

35.FAFO u/o 43 Rule 1(s) CPC will lie against O XL Rule 1,4 CPC; An order appointing a receiver enforcement of duties of a receiver.

36. FAFO u/o 43 Rule 1(t) CPC will lie against O XLI Rule 19,21 CPC; An order of refused readmit or to rehear an appeal.

37.FAFO u/o 43 Rule 1(u) CPC will lie against O XLI Rule 23, 23A CPC; An order remanding a case, when an appeal would lie from decree of appellate court.

38.FAFO u/o 43 Rule 1(w) CPC will lie against O XLIVII Rule 4 CPC; An order granting an application for review; Limitation 90 days from the date of order; court fee of Rs 5; cognizance as per valuation

### CIVIL REVISION

1.Civil Revision u/s 115 CPC will lie against impleadment, amendment, issue frame, preparation of formal order in original suit, Restoration/Recall the order/Execution. Court fee Rs. 10/- fixed under Court Fee Act. Limitation: 90 days from the date of order.

2.Civil Revision u/s 25, Judges, Small Cause Court. Court Fee Rs. 5/-. Limitation 30 days from the date of order. In view of AIR 1984 SC Page 146 and from 1983 ALI LJ 252.

3.Civil Revision u/s 83(9) of the Waqf Act 1995. Court Fee Rs. 5/- fixed. Limitation 3 years from the date of order.

### SPECIAL APPEAL

1.Special Appeal under Chapter VIII Rule 5 of the rules of Court will lie against the order passed by Single Judge in service matters. Committee of Management Societies

Registration Act against tractor loans. Court fee of Rs. 100/- fixed as required under the Court fee Act. Limitation: 30 days from the date of order. Cognizable by Divisional Bench. Required paper: Certified copy of High Court order with Court Fee Rs. 3/-

2.No Special Appeal under chapter VIII Rule 5 of the rule of the Court will lie against the order passed by the Labour Court, Appeal or Revision, Rent Control order, Consolidation, Board of Revenue, Ceiling matter any order passed by the Court in Appeal/Revision.

### COMMERCIAL TAX REVISION

1.Commercial Tax Revision u/s 58 Value Added Tax. Court Fee Rs. 250/- fixed. Limitation: 90 days from the date of service i.e receiving of Tribunal's order. Cognizable by Single Judge.

### INCOME TAX APPEAL

1.Income Tax Appeal u/s 260 A of the Income Tax Act will lie against the appellate order of the Income Tax. Court Fee Rs. 5/- . Limitation: 120 days from the date of service i.e. receiving of the order of the appellate Tribunal. Cognizable by Divisional Bench.

### CIVIL CONTEMPT

1.Civil Contempt u/s 10/12 of Court Act will lie against the disobedience of the High Court's order. Limitation: 1 year from the date of order.

### CONTEMPT APPEAL

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1.Contempt Appeal u/s 19 of the Contempt of the Court Act will lie against punishment. Limitation: 30 days from the date of order. Cognizable by Divisional Bench. Court Fee Rs. 5/-

### CIVIL MISC. WRIT PETITION

1.Civil Misc. Writ Petition under Article 226 of the Constitution of India will lie against the Mandamus, Prohibition, Certiorari, Quo Warranto, Habeas Corpus.

2.Civil Misc. ~~Writ~~ Petition under Article 227 of the Constitution of India will lie.

Civil Misc. Writ Petition Under article 226 constitution of india will lie against mandamus prohibition certiorari quo-warranto habeas corpus court fees of Rs. 100/- cognizance as circular issued by the Hon'ble C.J., Civil Misc. Writ Petition under Article 227 constitution of india will lie

### Election Petition

under section 81 Representation of the people Act.

Court fee of Rs. 5/-

Limitation 45 days from the date of commencement of result

Security money of Rs.2500/-

### Wealth Tax Application

U/s 27(3) wealth tax act

Limitation 90 days form the date of issuing of Tribunal Order

(DB)

\* **Gift Tax Application**

U/s 26(3) of the Gift Tax Act.

Limitation 90 days of Rs.5/- cognizance (DB)

**Central Excise Appeal**

U/s 35 G(3) Central Excise Appeal and Suit Act 1944 Limitation 180 days from the date of service,

court fees Rs.200/- through Tender  
cognizance D.B

**Criminal Contempt**

U/s 15 of the contempt of court Act.

Court fee of Rs. 5/-

Limitation one year from the date cause of action arose

**Company Appeal**

U/s 164 of the companies act will lie against the order of office liquidator  
court fees of Rs.5/-

Limitation 21 days from the date of order  
cognizance Single Judge.

**Testamentary case u/chapter XXX R 6 of Rules of court**

court fee of Rs.25/- fixed as provided u/s II A 1(3) of the court fee act  
will lie to this Hon'ble court, to grant order of admission with a copy of will no limitation  
cognizance. Single Judge

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**Company Petition**

u/s 433 (e) & (f) read with see 434 of the companies act 1956 will lie against winding up  
court fee of Rs.100/-

No Limitation cognizance Single Judge

**Customs Appeal**

U/s 130 of the customs act

court fee of Rs.200/- through Tender

Limitation 180 days from the date of service of the Tribunal's order

**Duties of Taxing Officer**

When any difference arises between the officer whose duty is to see that any fee is paid under this chapter, any suit or attorney, as to the necessity of paying a fee or the amount thereof, the question shall when the difference arises in any of the said High Courts be referred to the taxing officer whose decision thereon shall be final according to the section 5 of the Court Fee Act.

The chief shall appoint who shall be the taxing officer.

Chapter XI Rule IV of the High Court Rules, also provides that whenever the applicant or applicant as he case may be or his advocate contest the office report as to the court fee he shall before presenting the application or memo of appeal or objections take it to the taxing officer and the taxing officer shall determine forthwith.

if the taxing officer decides that there is a deficiency in the amount of court fee paid