

¹[CHAPTER XXIII
Taxation of Costs

1. Taxing Officer—The Registrar or such other officer as the Chief Justice may appoint for the purpose, shall be the Taxing Officer of the Court.

2. Time for filing bill of costs—Each party shall within seven days from the date on which judgment is delivered or order is passed or within such further time as the Taxing Officer may allow, submit his bill of costs.

3. Contents of the Bill of Costs—The bill of costs shall set out:

(A) process-fee spent,

(B) expenses of witnesses,

(C) advocate's fee, and

(D) such other amounts as may be allowable under the rules, or as may be ordered by the Court as costs.

4. Notice for taxation—When a bill of costs has been lodged for taxation two days' notice or such further time not exceeding seven days in aggregate as the Taxing officer may allow, shall be given to the opposite party;

Provided that no notice shall be necessary in any case when the defendant has not appeared in person or by his advocate or guardian.

5. When expenses of witness may be included in costs—No expenses of witnesses other than those paid through the Court shall be included in the costs allowed.

6. Taxation of costs—(a) Advocate's fee shall be taxed on the basis of a certificate filed under Rule 2, Chapter 5, but not exceeding the scale prescribed in the Schedule appended to this Chapter. Other costs shall be taxed according to the charges necessarily and actually incurred. These charges shall include in addition to other costs allowable under the rules the costs of printing, pleadings, etc. for the use of the Court the fees paid at the Registration office for searching and for obtaining copies of the necessary documents filed in Court, fees, if any, paid to the officers of the Court as prescribed by clause (d) of the said schedule and the costs of preparation of process taxed according to the scale prescribed.

(b) Where at the hearing of any suit other than those covered by Rule 8 below, more than one Advocate have appeared, the Court disposing of the matter may allow such fee for a second Advocate, as it deems fit not exceeding half the fees allowable as prescribed in Schedule 'A'.

(c) Unless the Court expressly directs otherwise the following costs shall not be deemed to have been incurred necessarily within the meaning of sub-rule (i) and shall not be taxed :—

(i) Court-fee stamps on all applications dismissed or not allowed or not pressed.

1. Chapter XXIII substituted vide Notification No. 241/DHC/Rules dated 1-9-1988 (w.e.f. 1-12-1988)

- (ii) Court-fee stamps on all unnecessary or defective application or applications to suit the convenience of a party such as for adjournment of hearing, for time to file written or other statements or to take some steps for showing cause in case of any default or omission, for withdrawing a claim or for amendment of any pleading of petition;
- (iii) Expenses on affidavits improperly or unnecessarily filed;
- (iv) Expenses of filing and proving unnecessary documents or documents which the other party was not previously called upon to admit by notice or of exhibiting interrogatories unreasonably, vexatiously or at improper length;
- (v) Process-fees for serving persons found by the Court to have been unnecessarily impleaded or the suit against whom has been dismissed, withdrawn or not prosecuted;
- (vi) Charges incurred in connection with the attendance of unnecessary witnesses; and
- (vii) Retaining fee to an advocate.

7. When an advocate appears for different parties in the same matter—Where an advocate appears for different parties in the same suit or matter, only one set of fees shall be allowed.

8. Advocate's fee when the suits are uncontested.

In the case of—

- (i) Summary suits under Order XXXVII of the first Schedule to the Code of Civil Procedure, 1908, where the defendant is refused or where a decree is passed on the defendant failing to comply with the conditions on which leave to defend was granted and appeals against decrees in such suits.
- (ii) Suit the claim in which is admitted but only time or instalment for payment is asked for.
- (iii) Suit which is got dismissed by a plaintiff for want of prosecution before settlement of issues or recording of any evidence, except evidence under Rule 2 of Order X of the Code of Civil Procedure.
- (iv) Suit which is withdrawn before the settlement of issues or recording of any evidence, except evidence under Rule 2 of Order X of the Code of Civil Procedure.
- (v) Suit in which judgment is given on admission under Rule 6 of the Order XII in the First Schedule to the Code of Civil Procedure, 1908, before the settlement of issues or recording of any evidence, except evidence under Rule 2 of Order X of the Code of Civil Procedure.
- (vi) Suits in which no written statement is filed and appeals from decrees in such suits.
- (vii) Suits compromised before the settlement of issues or recording of evidence except evidence under Rule 2 of Order X of the Code of Civil Procedure.
- (viii) Any formal party to a suit, e.g., a trustee or estate holder who only appears to submit to the orders of the Court and asks for his costs.
- (ix) A suit which has abated.
- (x) A plaint returned for presentation to the proper Court:—

The amount of Advocate's fees to be allowed shall be fixed by the Court disposing of the matter

and shall not exceed 1/2 of that payable according to the rate specified.

9. Deleted.

10. An advocate who has been employed by the heirs of a deceased party is not entitled to have fresh fees taxed.

11. In all proceeding in which a Commission is issued to examine any person under the provision of Section 75 of the Code of Civil Procedure the Advocate's fee shall consist of an amount computed in accordance with the above rule plus such fee per day for appearing before the Commissioner as the Court may in its discretion allow.

12. **Review of taxation only on notice to the opposite side**—No application for review of taxation, unless the taxation was *ex parte* shall be made except on the notice on the opposite side.

13. **No review of taxation of costs if bill of costs was not filed**—Subject to any orders passed by the Court if the bill of costs is not filed within time allowed under Rule 2, the bill will be prepared by the taxing officer, and no application for review of taxation shall be allowed unless made before the decree is signed.

14. **What costs allowed after taxation**—The only costs which shall be allowed after taxation shall be the costs of execution or of transmission of the decree to another Court.

15. **Meaning of proportionate costs**—Where 'proportionate costs' or 'costs in proportion' are allowed such costs shall bear the same proportion to the total costs as the successful part of the claim bears to the total claim.

16. **Application to Court for review of taxation**—Any party, who may be dissatisfied with the decision of the Taxing Officer as to any item or part of any item, may not later than fourteen days from the date of the decision or within such further time as the Court may allow, apply to the Court for an order to review the taxation as to the said item or part of any item and the Court may thereupon after notice to the other side, if necessary make such order as to it seem just; but the taxation of the Taxing Officer shall be final and conclusive as to all matters which shall not have been objected to in the manner aforesaid.

17. **Hearing of such application**—Such application shall be heard and determined by the Court upon the evidence which shall have been brought in before the Taxing Officer and no further evidence shall be received upon the hearing thereof, unless the Court shall otherwise direct.

SCHEDULE
TABLE OF FEES

A. In defended suits:

(1) If the amount or value shall exceed Rs. one Lakh, and not exceed Rs. Five Lakhs, on Rs. One Lakh Rs. 6,500/- and on the remainder at two per cent.

²[(2) If the amount or value shall exceed Rs. Five Lakh, on Rs. Five Lakh as above and on the remainder at 1 per cent subject, however, that in no case the amount of fee shall exceed Rs. 50,000/- (Rupees fifty thousand) or the actual, whichever is less, subject to the condition that a certificate of fee must be filed.]

B. (Deleted).

C. Miscellaneous proceedings:

(i) If any interlocutory application for any matter, excluding execution proceeding, other than that of appearing, acting or pleading in a suit, such fees as the Taxing Officer may allow having regard to the nature and importance of the proceedings or matter provided, however, that in no case the amount shall be below Rs. 1,000/- or exceed Rs. 2,000/-

(ii) In execution proceedings or in appeals in execution proceedings, the advocate fee to be allowed shall be one-fourth of the fee calculated at the rates specified in Rule A(1) on the amount or value of the relief or money claimed in the application to execute the decree. Such fees shall be subsequent contested application.

(iii) In appeals, the fee shall be calculated at half the scale as in the original suits and the principle of the above rules as to the original suits shall be applied, as nearly as may be.

D. Fees to Officers of Court:

(1) Fees of interpreter for explaining at other than the Court House, pleadings and other documents, whether not exceeding 20 folios —8.00

Whether 20 folios, for every 10 folios or part thereof —2.50

(2) Fees for taking bonds and fees of Commissioners for attesting affidavits or affirmations at any place, other than the Court House,

For the first affidavit, oath or affirmation or bond within the municipal limits of Delhi — 16.00

For the first affidavit, oath or affirmation or bond beyond such limits — 24.00

For every affidavit, oath or affirmation or bond beyond taken at the same time and place after the first, in the same suit, appeal or matter — 8.00

(3) Fees of Commissioners, for attesting affidavit oaths or affirmations at the Court house, for every affidavit, oath or affirmation - ³[20.00]

2. Substituted for para (2) vide Notification No. 44/Rules/DHC dated 1.4.2002.

³. Substituted by Rs.5 for Rs. 2 vide Notification No.77/Rules/DHC dated 28.4.1993, by Rs.10 for Rs.5 vide Notification No.174/Rules/DHC dated 31.10.2001 w.e.f. 31.10.2001 and by Rs.20 for Rs.10 vide Notification No.85/Rules/DHC dated 23.01.2014