

**Radhamma Vs. Srivasthava**

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**SooperKanoon Citation :** [sooperkanoon.com/728982](http://sooperkanoon.com/728982)

**Court :** Kerala

**Decided On :** Oct-03-2003

**Reported in :** 2003(3)KLT916

**Judge :** J.B. Koshy, J.

**Acts :** [Kerala Court Fees and Suits Valuation Act, 1959](#)

**Appeal No. :** C.C. (Civil) No. 1144 of 2003

**Appellant :** Radhamma

**Respondent :** Srivasthava

**Advocate for Pet/Ap. :** K.S. Menon, Adv.

**Judgement :**

ORDER

**J.B. Koshy, J.**

1. Question to be considered in this order is regarding the rate of court fee payable for filing contempt of court cases in the High Court when there are more than one petitioner. Item 11(1) of II Schedule of the [Kerala Court Fees and Suits Valuation Act, 1959](#) reads as follows:

(i)

A Munsiff s Court-

(1)

Under the Madras Village Court Act, 1888 (MadrasAct 1 of 1889), or the Cochin Village Courts Act, XII of 1118 or the Travancore Village Panchayat Courts Act, 1090.

Ten rupees

(2)

in other cases

Twenty Five rupees

(ii)

the Sub Court or a District Court

Fifty rupees

(iii)

the High Court

One hundred rupees per petitioner

(iv)

for Contempt of Court Cases in the High Court

One hundred rupees.'

2. This Contempt of Court Case is filed alleging that Annexure A1 judgment in O.P. No. 21201 of 1998 was not implemented. The above Original Petition was filed by seven persons. Therefore, when contempt of court case was filed all the seven persons joined as complainants (petitioners). Registry insisted that since there are seven complainants, seven sets of court fees (Rs. 100 x 7 = Rs. 700/-)

shall be paid. Hence this reference.

3. It is well settled principle as formulated by Rowlatt, J. in *Cape Brandy Syndicate v. I.R.C.* (1921 (1) KB 64) that in a fiscal statute one has to look merely at what is clearly said. There is no room for any intendment. There is no equity or presumption when words are clear. Nothing is to be read in or to be added on or implied as one can only look at the language used. (See also *Mathuram Agrawal v. State of Madhya Pradesh* (JT 1999 (8) SC 505 at para 11)).

Under Schedule II Item 1(4), for filing CCC in the High Court fee prescribed is Rs. 100/-. Whereas under Sub-clause (3) for filing original petitions before the High Court, fee is Rs. 100/- per petitioner. The words per petitioner are conspicuously absent here. Therefore, fee prescribed for filing CCC is only Rs. 100/- irrespective of the number of petitioners. Registry should number the case.

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