

Sixteenth Legislative Assembly, Keralam
Bill No.5

**THE KERALA COURT FEES AND SUITS VALUATION
(AMENDMENT) BILL, 2026**

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Legislature Secretariat, Keralam
2026

NIYAMASABHA PRINTING PRESS, KERALAM.

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BILL

further to amend the Kerala Court Fees and Suits Valuation Act, 1959.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Court Fees and Suits Valuation Act, 1959 (10 of 1960) for the purposes hereinafter appearing;

BE it enacted in the Seventy-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Court Fees and Suits Valuation (Amendment) Act, 2026.

(2) It shall come into force at once.

2. *Insertion of new section 76A.*—In the Kerala Court Fees and Suits Valuation Act, 1959, after section 76, the following section shall be inserted, namely:—

“76A. *No refund of additional court fee.*—Notwithstanding anything contained in any other provisions of this Act, the additional court fee levied under section 76 shall, in no case, be refunded:

Provided that, the above provision shall not affect the refund of additional court fee, in cases where refund has been ordered but not executed or where the court has already agreed to a settlement but has not pronounced judgment before the commencement of the Kerala Court Fees and Suits Valuation (Amendment) Act, 2026 (Act ---of 2026).”.

STATEMENT OF OBJECTS AND REASONS

Unlike the matter of court fee, special provision for refund of additional court fee is not included in the Kerala Court Fees and Suits Valuation Act, 1959. In order to resolve the ambiguity in this regard, the Government have decided to amend the Kerala Court Fees and Suits Valuation Act, 1959 to include the provision that the amount charged as additional court fee shall not be refunded under any circumstances.

2. The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

V. D. SATHEESAN

EXTRACT FROM THE KERALA COURT FEES AND SUITS
VALUATION ACT, 1959
(10 OF 1960)

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76. *Legal Benefit Fund*.—(1) Notwithstanding anything contained in this Act or any other law for the time being in force and subject to section 4A of the Act and sub-rule (1) of rule 397 of the Kerala Motor Vehicle Rules, 1989 it shall be competent for the Government to levy an additional court fee by notification in the Gazette, in respect of original petitions, original applications, appeals or revisions to tribunals, appellate authorities and original suits in Civil Courts other than in Family Court at a rate not exceeding one percent of the amount involved in the dispute, on petitions under section 34 of the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996) at the rate of 0.5% of the award amount and on original petitions filed before the High Court and petition filed under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Central Act 54 of 2002) at the rate of rupees one hundred per petition and in other cases at a rate not exceeding one hundred rupees for each original suit, original petition, original application, appeal or revision.

Explanation:—The term “amount involved in the dispute” as specified in sub-section (1), where it is capable of valuation, does not include the amount of valuation for the purpose of court fee, in suits for recovery of possession, partition and suits of similar nature and where fixed court fee is specified under this Act:

Provided that in the case of appeals under the Kerala State Goods and Services Tax Act, 2017 (20 of 2017), the Kerala General Sales Tax Act, 1963 (15 of 1963), the Kerala Tax on Luxuries Act, 1976 (32 of 1976) and the Kerala Value Added Tax Act, 2003 (30 of 2004) the maximum limit of additional court fee leviable shall not exceed rupees twenty thousand.

(2) There shall be constituted a legal benefit fund to which shall be credited—

(i) the proceeds of the additional court-fees levied and collected under sub-section (1);

(ii) fifty percent of the court-fees levied and collected on mukhtarnama or vakalatnama under article 12 of schedule II of this Act.

(3) Notwithstanding anything contained in any other law for the time being in force, an amount equal to seventy percent of the Legal Benefit Fund collected under sub-section (2) shall be set apart every year towards the Fund constituted under section 3 of the Kerala Advocates' Welfare Fund Act, 1980 and an amount equal to thirty percent of the Legal Benefit Fund collected shall be set apart towards the Fund constituted under section 3 of the Kerala Advocates' Clerks Welfare Fund Act, 2003:

Provided that the amount so set apart shall be transferred to such Funds after retaining an amount equal to ten percent each from the amount set apart to the Funds specified in sub-section (3) for providing infrastructure to the litigants.

(4) The mode and manner in which legal service to the people may be made more efficient and social security measures for legal profession may be provided, shall be as prescribed by rules made by Government.

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