

APPELLATE CIVIL.

Before Mr. Justice Devadoss.

RAJA SAHEB OF VIZIANAGRAM (PETITIONER),
PETITIONER,

1927,
November 8.

v.

THE SUB-COLLECTOR OF BERHAMPORE
(RESPONDENT), RESPONDENT.*

Civil Procedure Code (Act V of 1908), ss. 122 and 127—Civil Rules of Practice, r. 48—Application for certified copies of records in Courts—Search-fees, whether can be levied for supplying copies—Duty of Court—Duty of party to supply only stamp for copies and not search fees.

There is no provision of law and there is nothing in the Civil Rules of Practice or in any rule governing the procedure in Civil Courts, authorizing the levy of search-fees for supplying to litigants copies of records in a Court; when an application for a copy is made, all that is required of a party is to supply the requisite stamps for copies, and it is the duty of the Court to furnish the copies asked for.

Consequently, the order of a Sub-Collector demanding search-fees on an application for copies of records in his Court was without jurisdiction and should be set aside on revision.

PETITION to revise the order of the Court of the Sub-Collector of Berhampore in No. 385/c of 1925.

The petitioner applied, in the Court of the Sub-Collector of Berhampore, for supplying him with copies of delivery receipt, process amin's return and delivery warrant which were records of the Court, and supplied the requisite stamp-papers for the copies. The Sub-Collector required payment of search-fees in addition to the copy stamp-papers, and ordered that unless the search-fees demanded were paid, the application should

* Civil Revision Petition No. 1360 of 1925.

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COLLECTOR,
BERHAMPORE. be rejected. The petitioners filed this revision petition
against the order.

S. Venkatesa Ayyangar for petitioner.

Respondent was not represented.

JUDGMENT.

This is an application to revise the order of the Sub-Collector of Berhampore demanding search-fees for supplying copies to a party. It is difficult to see under what provision of law the Sub-Collector directed search-fees to be paid by a party applying for copies of records in his Court. There is no provision of law and there is nothing in the Civil Rules of Practice or in any rule which governs the procedure in Civil Courts, authorizing the levy of search-fees for supplying copies to litigants. When an application is made, all that is required by a party is to supply stamps for copies and if the required number of copy stamps are supplied, it is the Court's duty to furnish copies asked for. The order of the Sub-Collector is clearly without jurisdiction and is therefore set aside and the Sub-Collector will direct his office to furnish such copies as the parties may require on their furnishing the copy stamp papers. If such illegal orders are passed, this Court will consider whether the officer passing such orders should not be made to pay the costs of an application of this kind.

K.R.
