

PART C.—FEES IN DECLARATORY SUITS, ETC.

1. As some diversity of practice appears to exist in regard to the fixing of counsel's fees declaratory suits, injunctions, etc., the Judges deem it necessary to point out that in such cases the value of the subject matter of the suit must first be arrived at for purposes of jurisdiction in accordance with Chapter 3. "Valuation of Suits" Part A, and then counsel's fee calculated according to the scale laid down in Part B of this Chapter.

To be calculated on the valuation of suit.

1.^[47] [Several appeals have had to be admitted to a hearing by this Court solely on the ground that counsel's fees, which should have been fixed by rule, had been fixed at the discretion of the District Judge, at a rate higher than that allowed by the rules. Although rules 2 and 15 of Part B of this Chapter permit District Judges to exercise their discretion in allowing fees which appear just and equitable, it must be remembered that the fee to be allowed is to be calculated in accordance with scale laid down in Rule 1 of that Part, and any fee not exceeding the sum so arrived at may be allowed.

Miscellaneous proceedings.

To be calculated on the valuation of suit.

For instance in a suit for an injunction the maximum fee which can be allowed is Rs. 5,000.]