

THE KARNATAKA CIVIL RULES OF PRACTICE, 1967

Rule 100 - Advocate's fee to be included in the costs awarded by Court to a party in any suit or other proceedings shall be computed in the manner prescribed hereunder:-

(a) In original suits, the fee shall be calculated on the value or the subject matter of the suit, which shall be the same as that prescribed by the Karnataka Court Fees and Suits Valuation Act, 1958, for determining the jurisdiction of the Court, according to the following Scales:-

Suit Claim

On the first sum of Rs. 5,000/-	10 percent of the suit claim
On the sum exceeding Rs. 5,000/- up to Rs. 10,000/-	Rs. 500/- + 7 1/2 percent on the amount exceeding Rs. 5,000/-
Exceeding Rs. 10,000/- upto Rs. 20,000/-	Rs. 875/- + 5 1/2 percent on the amount exceeding Rs. 10,000/-
Exceeding Rs. 20,000/- upto Rs. 50,000/-	Rs. 1,425/- + 4 percent on the amount exceeding Rs. 20,000/-
Exceeding Rs. 50,000/- upto Rs. 1,00,000/-	Rs. 2,625/- + 3 percent on the amount exceeding Rs. 50,000/-
Above Rs. 1,00,000/-	Rs. 4,125/- + 1 1/2 percent on the amount which exceeds Rs. 1,00,000/-

Provided that the fee allowed in any suit shall not be less than Rs. 500/- unless the Court orders otherwise.

(b) In a Regular Appeal, the fee shall, be calculated according to the scale set out in clause (a) above on the value or the amount of the subject matter in dispute in Appeal.

Provided that the fee allowed in any Regular Appeal shall not be less than Rs. 500 unless the Court orders otherwise.

(c) In Small Cause Suit, the fee shall be 7 percent of the value of the amount of the claim as set forth in the plaint, subject to a minimum of Rs. 100.

(d) In the Execution Case, the fee shall be calculated as follows:

(i) On the first application at 50 percent of the fee calculated at the rate specified in clause (a) in respect of execution cases arising from original suits and in clause (c) in respect of execution cases arising from small cause suits mentioned above, on the amount of money or value of the relief claimed in the application.

(ii) No fee shall be payable on any subsequent application unless it is contested, in which case, the fee shall be calculated at 25 percent of the fee calculated at the rate specified in clause (a) above in respect of execution cases arising from original suits and at 12.5 percent at the rate specified in clause (c) in respect of execution cases arising from small cause suits on the amount of money or value of the relief claimed in the application;

(e) In an Execution Appeal, the fee payable shall be one-fourth the fee which would have been payable if the appeal were a regular appeal.

(f) In other proceedings, the fee shall be fixed by the Court regard being had to the time occupied in the hearing of the case and the nature of the questions raised, but subject to the minimum and maximum prescribed hereunder. If, in any case coming under this clause the Court awards costs without fixing the Advocate's Fee, the Court shall be deemed to have awarded the minimum prescribed.

Nature of the proceeding	Minimum	Maximum
	Rs.	Rs.
(i) Land Acquisition Cases and Motor Accident claims cases Note : If a group of cases is heard together, the minimum shall be Rs. 1,000 and maximum Rs. 20,000 for all of them together and the Court may apportion the fee for each case separately	500	10,000
(ii) Matrimonial Case	500	2,000
(iii) Guardians and Wards Case	500	2,000
(iv) Probate and Succession Case (a) if uncontested (b) If contested	250 500	1,500 4,000
(v) Insolvency Case (a) Contested Adjudication (b) Determination of title and priority (c) Dispute relating to alienation (vi) Arbitration cases (vii) Cases under the Karnataka Rent Control Act	500 500 500 500 500	2,000 2,000 2,000 2,000 2,000
(viii) Any other original proceeding	500	2,000
(ix) Injunction suits before Civil Judge (Jr. Div)	500	3,000
(x) Injunction suits before Civil Judge (Sr. Div)	750	5,000
(xi) Interlocutory matter	250	500
(xii) Miscellaneous Appeal or House Rent Control Appeal or Revision or Revision Petition under any other enactment.	500	2,000

(g) In all original matters and appeals where the jurisdictional value is above Rs. 10,000 the Court may in addition, allow the fee of one junior pleader at 1/3 of the fee prescribed in the above Rules, provided the junior pleader has been on record from the commencement of the proceedings.

(h) Fractions of a rupee in the amount or value of a claim shall be ignored in calculating the fee payable thereon.

(i) If several defendants or respondents who have a joint or common interests succeed upon a joint defence, or upon separate defences substantially the same, not more than one fee shall be allowed, unless the Court otherwise orders for any reason, which shall be

recorded in the judgement. If only one fee be allowed, the court shall direct to which of the defendants or respondents it shall be paid or shall apportion it among the several defendants or respondents in such manner as it thinks fit.

(j) If several defendants or respondents who have separate interest set up separate and distinct defences and succeed thereon, one fee for one pleader, for each of the defendants or respondents who appears by a separate pleader, may be allowed in respect of his separate interest. Such fee, if allowed, shall be calculated with reference to the value of the separate interest of such defendant or respondent, in the manner hereinbefore prescribed.

k) In a suit for partition or joint family property or other joint property, a suit for dissolution and account of a partnership, a suit for administration or a suit of the like nature, in which the parties have a distinct or distinguishable separate interest in the subject matter and the Court decides to allow separate sets of costs to the different parties, pleader's fee included in each such separate set of costs shall be calculated with reference to the value of the separate interest of such party in the manner herein before prescribed. The same principle shall be applied mutatis mutandis to an appeal arising from such a suit.

(1) (i) Where before any evidence is recorded, a suit or other original proceedings is disposed of by consent, compromise or as not being pressed, the fee shall be 50 percent of the fee herein before prescribed.

(ii) Where, before arguments on merits are heard an appeal is disposed of by consent, compromise or as not being pressed, the fee shall be 50 per cent of the fee herein before prescribed.

Explanation: The expression 'arguments on merits' includes arguments on questions of limitation or jurisdiction or as to maintainability of the appeal.

(m) Where any suit or other original proceeding is decided ex-parte before the defendants or the respondent enters appearance, the fee shall be 50 per cent of the fee herein prescribed.

(n) Notwithstanding anything contained in Schedule III to the Bombay Pleaders Act (Bombay Act 17 of 1920), the fees contained in clauses (a) to (m) shall be the pleaders fee to be included in the costs awarded by Court to a party in a suit or other proceeding.