MAHARASHTRA VEXATIOUS LITIGATION (PREVENTION) ACT, 1971

48 of 1971

[13th December, 1971]

CONTENTS

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An Act to prevent the institution or continuance of vexatious proceedings in Court. WHEREAS, it is expedientto prevent the institution or continuance of vexatious proceedings in Courts; It is hereby enacted in the Twenty-second Year of the Republic of India as follows:-

1. Short title, extent and commencement :-

(1) This Act may be called as the MAHARASHTRAVEXATIOUS LITIGATION (PREVENTION) ACT, 1971 .

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such **1** [date as the State Government may. by notification in the Official Gazette, appoint.

1. 1st day of March 1972 (vide G.N., .L and J.D., No. CPR 1468/4990-H-2 dated 5th February 1972)

2. Leave of Courts necessary for vexatious litigant to institute or continue any civil or criminal proceedings :-

(1) If on an application made by the Advocate General, the High Court is satisfied that any person has habitually and without any reasonable ground instituted vexatious proceedings, civil or criminal, in any Court or Courts, whether against the same person or against different persons, the High Court may, after hearing that person or giving him an opportunity to be heard, order that no proceedings, civil or criminal, shall be instituted by him in any Court (and that any legal proceedings instituted by him in any Court before the order shall not be continued by him),-

(a) in Greater Bombay, without the leave of the High Court; and

(b) elsewhere in the State, without the leave of the District and Sessions Judge.

(2) Such leave shall not be given unless the High Court or the Judge, as the case may be, is satisfied that the proceedings are not an abuse of the process of the Court and that there is prima facie ground for the proceedings.

(3) No appeal shall lie against an order refusing leave for the institution or continuance of any proceedings by a person who is the subject of an order for the time being in force under sub-section (1). Nothing in this sub-section shall apply to any appeal which may lie to or any proceeding before the Supreme Court.

(4) If it appears to the High Court that the person against whom an application is made under sub-section (1), is unable, on account of poverty, to engage a pleader, the High Court may engage a pleader to appear for him.

Explanation - For the purposes of this section, "pleader" has the same meaning as in clause (15) of Section 2 of the Code of Civil Procedure, 1908 .(V of 1908)

(5) A copy of every order made under sub-section (1) directing any person to obtain leave before instituting or continuing proceedings shall be published in the Official Gazette and may also be published in such other manner as the High Court thinks fit.

<u>3.</u> Proceedings instituted or continued without leave to be dismissed :-
Any proceedings instituted or continued in any Court by a person against whom an order under sub-section (1) of the last preceding section has been made, without obtaining the leave relerred to in

that section, shall be dismissed by the Court: Provided that, this section shall not apply to any proceedings instituted or continued for the purposes of obtaining such leave.

4. Saving :-

The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force for prevention of vexatious proceedings or other abuse of legal process, or which require consent, sanction or approval in any form of any other authority for the institution or continuance of any proceedings.