

Vexatious Litigation (Prevention) Act, 1949

08 of 1949

[19 April 1949]

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PREAMBLE

An Act to prevent the institution of vexatious proceedings in Courts.
Whereas it is expedient to prevent the institution of vexatious proceedings in Courts; It is hereby enacted as follows:--

1 For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 9th November 1948, Part IV-A, page 422.

1. Short title, extent and commencement :-

- (1) This Act may be called the Vexatious Litigation (Prevention) Act, 1949.
- (2) It extends to the whole of the 1[State] of Madras.
- (3) It shall come into force at once.

1 This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

2. Leave of court necessary for vexatious litigant to institute 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, the High Court may, after giving that person an opportunity of being heard, order that no proceedings, civil or criminal, shall be instituted by him in any Court--

(i) in the Presidency-town, without the leave of the High Court; and
(ii) elsewhere, without the leave of the District and Sessions Judge.

(2) 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 purpose of this section pleader has the same meaning as in section 2, clause (15) of the Code of Civil Procedure, 1908(Central Act V of 1908).

3. Leave to be granted only if prima facie ground exists :-

The leave referred to in section 2, sub-section (1), shall not be given in respect of any proceedings unless the High Court or, as the case may be, the District and Sessions judge, is satisfied that there is prima facie ground for such proceedings.

4. Proceedings instituted without leave to be dismissed :-

Any proceedings instituted by a person against whom an order under section 2, sub-section (1), has been made, without obtaining the leave referred to in that sub-section shall be dismissed:

Provided that this section shall not apply to any proceedings instituted for the purpose of obtaining such leave.

5. Publication of orders :-

A copy of every order made under section 2, sub-section (1), shall be published in the Fort St. George Gazette.