

THE MAHARASHTRA VEXATIOUS LITIGATION
(PREVENTION) ACT, 1971

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MAHARASHTRA ACT No. XLVIII OF 1971¹

[THE MAHARASHTRA VEXATIOUS LITIGATION (PREVENTION) ACT, 1971.]

[13th December 1971].

(This Act received the assent of the President on the 4th December 1971 ; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, dated the 13th December 1971)

Amended by Mah. 9 of 1973 (20-2-1973)*

An Act to prevent the institution or continuance of vexatious proceedings in Courts.

WHEREAS, it is expedient to 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. (1) This Act may be called the Maharashtra Vexatious Litigation (Prevention) Act, 1971.

Short title,
extent and
commencement.

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

(3) It shall come into force on such date² as the State Government may, by notification in the *Official Gazette*, appoint.

2. (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 of being 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),—

Leave of
Court
necessary for
vexatious
litigant to
institute or
continue any
civil or
criminal
proceedings.

(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.

At the hearing of any such application, the Advocate General may appear through a pleader.

(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.

V of 1908. *Explanation.*—For the purpose of this section “pleader” has the same meaning as in clause (15) of section 2 of the Code of Civil Procedure, 1908.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1971, Part V, Extra., p. 290.

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

³ *This indicates the date of commencement of Act.

(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.

Proceedings instituted or continued without leave to be dismissed. 3. 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 referred to in that section, shall be dismissed by the Court :

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

Exclusion of time required for obtaining leave, for computation of limitation period. 3A. Where a person, against whom an order under sub-section (1) of section 2 has been made applies for leave for institution of any proceedings, the time required by the High Court or the Judge, as the case may be, for deciding the application, shall be excluded in computing the period of limitation (if any) prescribed under any law for the time being in force for instituting such proceedings.

Explanation.—In excluding such time, the date on which the application for leave was made to the proper authority and the date on which such authority made its order on the application shall both be counted.

Power to make rules. 3B. The High Court may make rules to carry out of the purposes of this Act.]

Saving. 4. 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.

¹ Sections 3A and 3B were inserted by Mah. 9 of 1973, s. 2.