

CHAPTER XXXV

RULES OF THE HIGH COURT AT BOMBAY UNDER THE MAHARASHTRA

VEXATIOUS LITIGATION (PREVENTION) ACT, 1971.

1. These Rules may be cited as "The Maharashtra Vexatious Litigation (Prevention) Rules, 1976."
2. They shall come into force on the 1st day of December 1976.
3. In these Rules unless the context or subject matter otherwise requires:
 - (i) The Act' means the Maharashtra Vexatious Litigation (Prevention) Act, 1971.
 - (ii) 'Order' means an order passed under section 2(i) of the Act.
4. Every application by the Advocate General under section 2(i) shall describe the Advocate General as applicant and the person against whom the application is made as opponent.
5. The application shall state the full name of the opponent, his occupation, address and the proceedings instituted by him. Civil or Criminal and the Courts in which they were or are instituted together with their results, if any.
- 6 . The application shall be signed and verified by the Advocate General.
7. The application shall be filed on the Appellate Side of the Bombay High Court and shall be heard by a Division Bench.
8. The application shall be accompanied by three sets of copies of the application and other documents for the use of the Court and for opponent.
9. The application shall be placed before the Division Bench for orders.
10. Unless the Court considers otherwise notice of the application should be served on the opponent calling upon the opponent to show cause.
11. The person so served, may appear in person or through an Advocate and show cause against the proposed action,
12. On consideration of the material placed before the Court, the Court may either reject the application or pass an order in terms of section 2(i) of the Act.

13. The order passed under section 2(i) shall be published as prescribed by the Act and shall be circulated to such Courts as the Court may direct.

14. The Judge or a Magistrate who receives a copy of an order made under sub-section (i) of section 2 shall enter it in a Register to be kept in that behalf.

15. A person against whom an order under section 2(i) is made may apply for leave to institute or continue the proceedings —

(i) to a Judge on the Original Side if the proceedings are to be instituted and continued on the Original Side of the High Court;

(ii) to the High Court on the Appellate Side, if the proceedings are to be instituted or continued in any other Court in Greater Bombay;

(iii) to the District Judge of the District in which the Civil Proceedings are to be instituted or continued; and

(iv) to the Sessions Judge in whose division Criminal proceedings are to be instituted or continued.

16. (a) Every such application for leave to institute a proceeding, shall be accompanied by the requisite number of the copies of the application for leave and of the intended plaint or a proceeding and copies of the documents on which he wants to rely, for the use of the Court and the opponents.

(b) Every such application shall make the Advocate General and the person against whom the proceeding is to be instituted or continued as co-opponents.

(c) The person making an application under sub-section (i) shall pay the necessary process fees.

(d) The notices of the application shall be served on the opponents at the costs of the applicant.

17. (a) All such applications to the District and Sessions Judge shall be treated as Miscellaneous Applications, and the Rules prescribed for the disposal of such applications shall *mutatis mutandis* apply to such proceedings.

(d) However, such applications made to the High Court, whether on the Original or Appellate Side, shall be treated as Civil Applications and be disposed of after such inquiry as may be found necessary.

18. Every order of costs passed on such Civil Applications, whether on the Original or Appellate Side of the High Court, shall be executable as a decree in the manner provided in the Code of Civil Procedure.

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