

Madhya Pradesh Vexatious Litigation (Prevention) Act, 2015

MADHYA PRADESH

India

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Act 18 of 2015

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Madhya Pradesh Vexatious Litigation (Prevention) Act, 2015 (Madhya Pradesh Act No. 18 of 2015) Last Updated 14th February, 2020 Received the assent of the Governor on the 26th August, 2015; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 26th August, 2015. An Act to prevent the institution or continuance of vexatious proceedings in courts. Be it enacted by the Madhya Pradesh Legislature in the sixty-sixth year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Madhya Pradesh Vexatious Litigation (Prevention) Act, 2015. (2) It extends to the whole of the State of Madhya Pradesh. (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

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

(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 proceeding instituted by him in any Court before the order shall not be continued by him). - (a) in the High Court of Madhya Pradesh 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 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) :Provided that 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 purpose 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)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.

3. Proceedings instituted or continued without leave to be dismissed.

- Any proceeding 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 proceeding instituted for the purpose of obtaining such leave.

4. Exclusion of time required for obtaining leave, for computation of limitation period.

- Where a person, against whom an order under sub-section (1) of Section 2 has been made applies for leave for institution of any proceeding, 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.

5. Power to make rules.

- The High Court may make rules for carrying out the purposes of this Act.

6. 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 proceeding.