

The Vexatious Litigation (Prevention) Act, 1949

Act 8 of 1949

Keyword(s):

Vexatious Proceedings



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¹[TAMIL NADU] ACT No. VIII OF 1949.²

THE VEXATIOUS LITIGATION (PREVENTION) ACT, 1949.

*(Received the assent of the Governor-General on the 11th April 1949 ; first published in the Fort St. George Gazette on the 19th April 1949.)***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. (1) This Act may be called the Vexatious Litigation (Prevention) Act, 1949. Short title, extent and commencement.(2) It extends to the whole of the ³[State of Tamil Nadu].

(3) It shall come into force at once.

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, 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— Leave of court necessary for vexatious litigant to institute proceedings.

(i) in the Presidency-town without the leave of the High Court ; and

(ii) elsewhere, without the leave of the District and Sessions Judge.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.² For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 9th November 1948, Part IV-A, page 422.

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960) repealing the corresponding law of force in that territory.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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(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.

Leave to be granted only if Prima facie ground exists. 3. 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.

Proceedings instituted without leave to be dismissed. 4. 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. A copy of every order made under section 2 sub-section (1), shall be published in the **Fort St. George Gazette*.

* Now the *Tamil Nadu Government Gazette*.