

The Goa Vexatious Litigation (Prevention) Act, 2007

The Goa Vexatious Litigation (Prevention) Act, 2007 (Goa Act 2 of 2007)

[17-3-2007] published in the Official Gazette, Series I No. 50 (Extraordinary No.3) dated 21-3-2007 and came into force w.e.f. 01-06-2007.

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GOVERNMENT OF GOA Department of Law & Judiciary Legal Affairs Division

Notification

7/4/2007-LA

The Goa Vexatious Litigation (Prevention) Act, 2007 (Goa Act 2 of 2007), which has been passed by the Legislative Assembly of Goa on 25-1-2007 and assented to by the Governor of Goa on 17-3-2007, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 21st March, 2007.

The Goa Vexatious Litigation (Prevention) Act, 2007

1(Goa Act 2 of 2007) [17-3-2007]

AN

ACT

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

BE it enacted by the Legislative Assembly of the State of Goa in the Fifty-Seventh Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Goa Vexatious Litigation (Prevention) Act, 2007.

(2) It shall extend to the whole of the State of Goa.

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

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) “Government” means the Government of Goa;

(b) “Notification” means a notification published in the Official Gazette;

(c) “Official Gazette” means the Official Gazette of the Government.

3. Declaration of a person as a vexatious litigant.— (1) Every application for declaring a person as a vexatious litigant, may be filed, either by,—

(a) the Advocate General; or

(b) the person against whom another person has instituted or conducted proceedings,

civil or criminal.

(2) The application referred to in sub-section (1) shall set forth in detail the ground or

grounds on which the application for declaring a person as a vexatious litigant is based.

(3) If, on receipt of an application under sub-section (1), the High Court is satisfied that the person referred to in the application 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, declare that person to be a vexatious litigant.

(4) In the case of an application filed under clause (b) of sub-section (1), the High Court may, if it so desires, also hear the views of the Advocate General on the application.

4. Leave of Court necessary for vexatious litigant to institute or continue any civil or criminal proceedings.— (1) If the High Court declares any person to be a vexatious

litigant under section 3 of this Act, then, the High Court shall also order that—

(a) no proceedings, civil or criminal, shall be instituted by the said person in the High Court or any other Court subordinate to the High Court; and—

(b) no proceedings, civil or criminal, if already instituted by the said person in the High Court or any other Court subordinate to the High Court, shall be continued by him, without obtaining leave of the Court:

Provided that if such proceedings are proposed to be instituted or continued by the vexatious litigant in the High Court, then, the leave of the High Court shall be obtained and in the case of proceedings in any other Court subordinate to the High Court, the leave of the District and Sessions Judge shall be obtained.

(2) Leave shall not be granted unless the High Court or the District and Sessions 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 in the proceedings proposed to be instituted or continued by the person declared to be a vexatious litigant.

(3) No appeal shall lie against any order refusing leave for the institution or continuance of any proceedings by the person who is declared to be vexatious litigant under section 3 of this Act:

Provided that nothing in this sub-section shall apply to any appeal which may lie to or any proceedings 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) of section 3, 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 (5 of 1908).

(5) A copy of every order made under sub-section (1) of section 4 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 may think fit.

5. Proceedings instituted or continued without leave to be dismissed.— Any proceedings instituted or continued in any Court by a person against whom an order under sub-section (1) of section 4 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.

6. Savings.— The provisions of this Act shall be in addition to and not in derogations 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.

Secretariat,
Porvorim-Goa.
Dated: 21-3-2007.

U. V. BAKRE,
Secretary to the Govt. of Goa,
Law Department (Legal Affairs)