

[AS REPORTED BY THE STANDING COMMITTEE]

**A
BILL**

further to amend the Code of Civil Procedure, 1908

Whereas it is expedient further to amend the Code of Civil Procedure 1908 (Act V 1908) for the purpose herewith appearing;

It is hereby enacted as under:-

1. **Short title and commencement.** –(1) This Act may be called the code of Civil Procedure (Amendment) Act 2009.

(2) It shall come into force at once

2. **Amendment of section 35A, Act V of 1908.** – In the Code of Civil Procedure, 1908 (Act V of 1908), in section 35A, in sub-section(2), for the words “twenty-five” the words “one hundred” shall be substituted.

Statement of Objects and Reasons

In the Code Civil Procedure, 1908 section 35A was incorporated to provide for compensatory costs in case of false or vexatious claims or defenses. The purpose was to put a check on frivolous litigation. Under Section 35A ibid the maximum amount of costs which court can award is twenty-five thousand rupees.

2. In the National Judicial Policy it has been recommended that the amount of compensatory costs which a Court may award may be enhanced to one hundred thousand rupees.

3. The Bill seeks to achieve the aforesaid objectives.

MUHAMMAD AFZAL SANDHU
Minister of State for Law and Justice
Member-in-charge