

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

**A
BILL**

further to amend the Code of Civil Procedure, 1908 (No. V of 1908).

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908, for the purpose hereinafter appearing ;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 2016.

(2) It shall come into force at once.

2. Amendment of section 35A, Act V of 1908.- In the Code of Civil Procedure, 1908 (V of 1908), in section 35-A, for sub-section (4), the following shall be substituted namely :-

“4. The court shall take into consideration the period, amount of financial losses faced during the litigation by the other party and shall grant Compensatory Cost according to the circumstances of each case. The court may also grant damages or compensation in respect of such claim or defence.”.

STATEMENT OF OBJECTS AND REASONS

The existing provision regarding award of compensation in respect of a false or vexatious claim or defence is not sufficient and properly defined. Therefore it is imperative to make this provision clear and lucid.

2. The instant Bill seeks to achieve the aforesaid objective.

Sd/-

MS. SHAHIDA REHMANI,
Member, National Assembly.