

Doctrine Of Forum Non Conveniens

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Doctrine Of Forum Non Conveniens Latest News

The Supreme Court recently held that where the question of pursuing a constitutional remedy is involved, and invocation of writ jurisdiction is traceable to clause (1) of Article 226, the doctrine of forum non conveniens may rarely apply.

About Doctrine Of Forum Non Conveniens

- It is a common law legal principle that **allows a court to dismiss or stay a case when it believes that another forum is more appropriate for hearing the case**, even if the court itself has jurisdiction over the case and the parties.
- The term **“forum non conveniens”** is **Latin for “inconvenient forum,”** and the doctrine has been **applied in various legal systems**, particularly those with **roots in English common law**.
- This doctrine plays a **critical role in private international law (conflict of laws)**, where courts frequently deal with **cross-border disputes that involve multiple jurisdictions**.

- The **application** of the doctrine is typically **discretionary**, meaning that trial courts have significant latitude in deciding whether to dismiss or stay a case based on this principle.
- **Courts are required to balance several factors** in determining whether to apply the doctrine, including **both private and public interests**.
 - Courts consider various **factors**, including the **convenience of the parties**, the **location of evidence and witnesses**, the applicable law, and the **availability of a fair trial in the alternative forum**.
 - The **overriding consideration** is **whether the interests of justice would be better served** by litigating the matter in another jurisdiction.
- Generally, the doctrine is **invoked by defendants** who **argue that the current forum is inappropriate** and that a different jurisdiction would be more suitable for the case.
- The **defendant must demonstrate that an alternative forum exists** where the case can be adequately heard.
- This **forum must have jurisdiction over the parties and the subject matter** of the case and must provide the plaintiff with an adequate remedy.

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