

Forum Shopping

May 25, 2023 • vajiramandravi.com



What is practice of forum shopping?

- When litigants or lawyers **attempt to deliberately move their case to a particular judge or Court where they think the judgment could be more favourable**, they are said to be “forum shopping.”
- Lawyers think about which is the right forum to approach as part of their litigation strategy.
 - For example, one could directly approach the Supreme Court via a public interest litigation case instead of the concerned High Court because the issue could get more eyeballs. However, an obvious effort to circumvent the process or avoid a particular judge is frowned upon.
- The **Supreme Court in its 1988** ruling in ‘**Chetak Construction Ltd. vs. Om Prakash**’ said, “A litigant cannot be permitted choice of the forum,” and that every attempt at forum shopping “must be crushed with a heavy hand.”
- Most common law countries use the “**forum non-conveniens**” **principle** to prevent forum shopping, which gives the **court discretionary powers to refuse to exercise its jurisdiction over a matter where another court, or forum, may more conveniently hear a case**. Using this power, the court can dismiss a case in the interests of justice and the parties while allocating it to the appropriate bench.

Q1) What is high court also known as?

For countries with a civil law system, the term 'high court' usually refers to appellate court dealing with first stage of appeal from a trial court, serving as an intermediate body before appeal to the constitutional court, court of cassation, supreme court, or other highest judicial body.

Source: [CJI Chandrachud condemns 'forum shopping': What is this practice?](#)

Source: <https://vajiramandravi.com/current-affairs/forum-shopping/>

© Vajiram & Ravi. For personal use only.