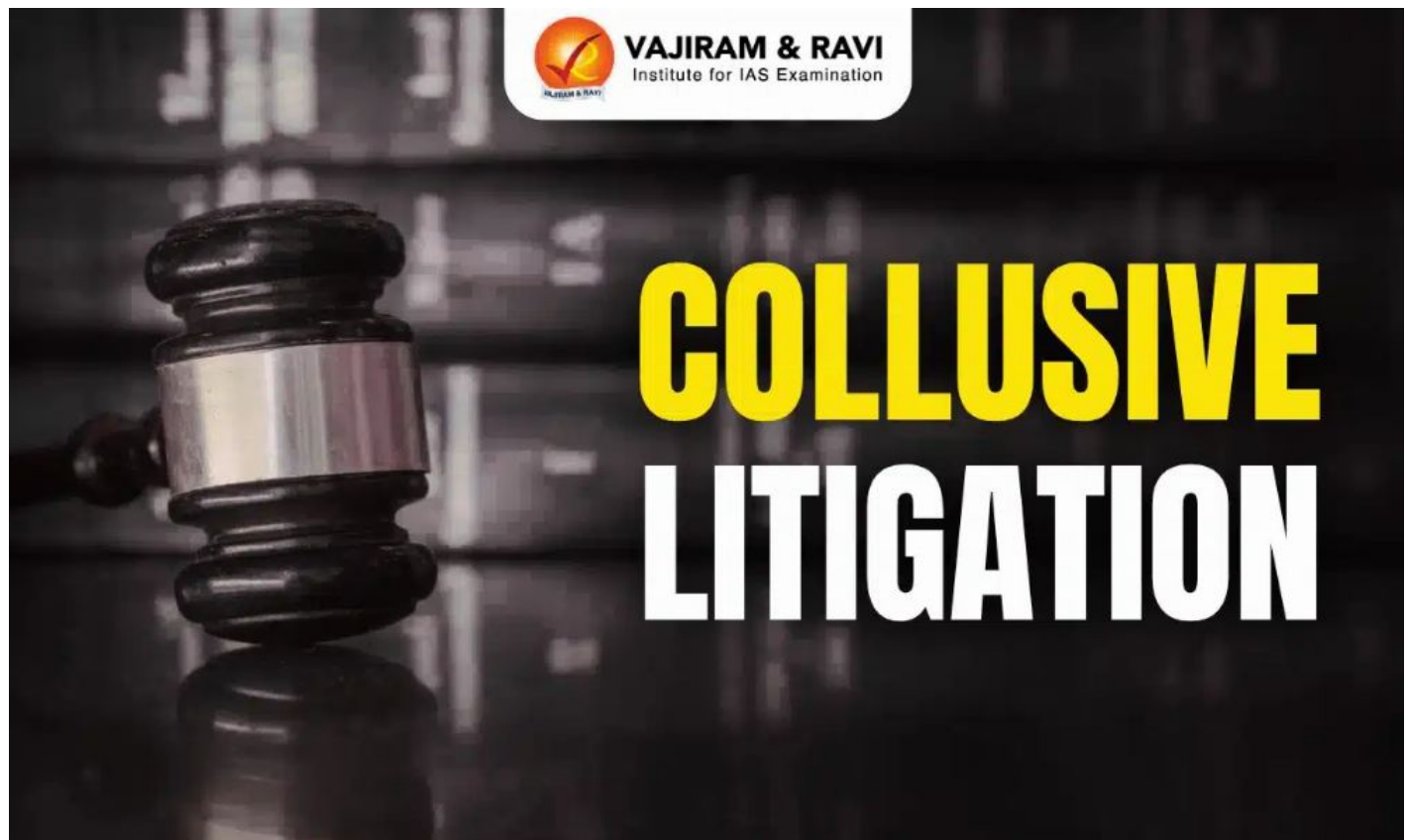


Collusive Litigation

August 4, 2025 • vajiramandravi.com



Collusive Litigation Latest News

The Supreme Court has taken a suo motu cognisance of “collusive litigations” by officials of the Bengaluru Development Authority (BDA) recently.

About Collusive Litigation

- It is defined as a **lawsuit** where the **parties involved are not genuinely adversarial**, but **rather cooperate to achieve a desired outcome** or to challenge the constitutionality of a law.
- These suits often involve a **degree of cooperation between the parties**, who may **share a common goal or interest** in the outcome.
- Some of the **key issues** surrounding these suits include:
 - The **potential for abuse**, where **parties may collude to manipulate the judicial process** or achieve an outcome that might not be possible through other means.
 - The risk of **undermining the adversarial system**, where the court’s decision is based on a genuine dispute between parties.

- The potential for collusive suits to be **used as a means of circumventing** the **normal legislative process**.
- **In India, collusive decrees can be set aside if the party challenging the decree is not a party to it and can prove collusion** or fraud.
- The **High Court** has the **authority to intervene** in cases **where a decree is found to be collusive**, particularly under **Article 227**.
- **A party to a collusive decree cannot seek to have it set aside**. This principle is established in various cases where the courts have ruled that **only parties not involved in the collusion may challenge the decree**.
- The **burden of proving** that a decree was obtained collusively **lies with the party seeking to set it aside**.
- **Courts have held that** under a general prayer for relief, **they can set aside a decree if it is found to be collusive, even if a specific prayer for setting aside was not made**.

Source: DH

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