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INTRODUCTION

Civil and commercial litigation often turns not on the ultimate merits of a dispute, but on whether the dispute is permitted to proceed at all. Before parties can lead evidence, examine witnesses or establish their respective rights, courts are increasingly called upon to decide preliminary objections relating to maintainability, jurisdiction, limitation and the existence of a valid cause of action. These threshold issues, though procedural in nature, frequently determine the future course of litigation. A successful objection at this stage may result in the rejection of a plaint, dismissal of proceedings or relegation of parties to an alternate forum, thereby bringing an otherwise complex dispute to an end without a full-fledged trial.

The importance of procedural objections has grown significantly in recent years. Commercial litigation today is expected to be efficient, proportionate and cost-effective. Courts are therefore required to strike a careful balance between two competing considerations. On one hand, frivolous or legally untenable proceedings should be identified at the earliest opportunity so that parties are not compelled to undergo unnecessary litigation. On the other hand, genuine disputes should not be dismissed prematurely merely because they raise difficult questions of fact or law. Determining where this balance lies has become one of the defining challenges of contemporary civil adjudication.

This balancing exercise is reflected across several procedural doctrines that govern the institution and continuation of civil proceedings. Questions relating to rejection of plaint under Order VII Rule 11 of the Code of Civil Procedure, the operation of limitation, the doctrine of constructive res judicata, the existence of an appropriate adjudicatory forum and the scope of judicial review over administrative action all serve a common objective. They require courts to determine whether a dispute is legally capable of proceeding before examining the substantive rights of the parties. Although these doctrines operate in different contexts, they are united by a common concern for judicial economy and procedural fairness.

Recent judicial decisions also demonstrate that procedural law is no longer viewed as a collection of technical rules designed merely to regulate litigation. Instead, courts increasingly recognise procedural safeguards as instruments that protect the integrity of the adjudicatory process itself. Whether the issue concerns the rejection of a plaint, the invocation of an arbitration clause, the exercise of writ jurisdiction or the application of res judicata, the underlying enquiry remains consistent: has the dispute been brought before the correct forum, at the correct stage, and in accordance with the procedure prescribed by law?

This trend assumes particular significance in commercial disputes, where procedural objections are routinely raised at the threshold. Businesses frequently invoke jurisdictional clauses, arbitration agreements, limitation defences and maintainability objections as strategic tools to avoid prolonged litigation. Equally, plaintiffs seek to ensure that legitimate claims are not defeated by an unduly technical interpretation of procedural rules. Courts are therefore increasingly required to distinguish between objections that genuinely warrant termination of proceedings and those that ought to be examined only after evidence has been led. The distinction is often subtle, yet it carries substantial practical consequences for litigants and practitioners alike.

The recent decisions delivered by the Supreme Court and various High Courts illustrate this evolving approach. While arising from diverse factual backgrounds, they collectively reaffirm that procedural rules are intended neither to obstruct access to justice nor to permit avoidable litigation. Rather, they serve as gatekeeping mechanisms that preserve fairness, prevent abuse of process and ensure that disputes are adjudicated by the appropriate forum in accordance with settled legal principles. Taken together, these decisions offer valuable guidance on the manner in which courts are approaching maintainability, jurisdiction and other threshold objections at the very outset of civil and commercial proceedings.

Threshold Scrutiny under Order VII Rule 11: The Bombay High Court Clarifies the Limits of Preliminary Adjudication

The power to reject a plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908 ("CPC") serves as an important procedural safeguard against frivolous or legally untenable litigation. At the same time, it is a limited jurisdiction which cannot be exercised to determine disputed questions of fact or to conduct a mini trial at the threshold. The scope of this jurisdiction was recently examined by the Bombay High Court in *Shiv Infra Vision Pvt. Ltd. v. K.S. Chamankar Enterprise[1]*, where the Court considered several preliminary objections relating to rejection of the plaint, limitation, jurisdiction and compliance with the requirement of pre-institution mediation under the Commercial Courts Act.

The dispute arose from a commercial suit concerning redevelopment rights and transactions relating to a slum rehabilitation project. Various defendants sought rejection of the plaint by invoking Order VII Rule 11 of the CPC. It was contended that the suit was barred by limitation, hit by non-compliance with the mandatory pre-institution mediation under Section 12A of the Commercial Courts Act, 2015, barred under Section 42 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (“Slum Act”) and barred under Order II Rule 2 CPC, and that the plaint failed to disclose any cause of action against certain defendants.. The defendants argued that these objections were sufficient to terminate the proceedings without the necessity of a trial.

The High Court declined to reject the plaint. Reiterating the settled principles governing Order VII Rule 11, the Court observed that while deciding such an application, the Court is required to confine itself to the averments contained in the plaint and the documents relied upon by the plaintiff. The defences of the defendants, disputed factual assertions and competing interpretations of the evidence cannot be considered at this stage. The enquiry is limited to determining whether, assuming the plaint to be true, the suit is barred by law or fails to disclose a cause of action. Where determination of the objection requires examination of disputed facts, the matter must ordinarily proceed to trial.

The Court also examined the objection relating to Section 12A of the Commercial Courts Act. It observed that although pre-institution mediation is mandatory in cases where no urgent interim relief is sought, the applicability of Section 12A depends upon the nature of the reliefs claimed and the facts pleaded in the plaint. Such an objection cannot be decided mechanically without considering whether the suit genuinely falls within the statutory requirement. Consequently, where the issue itself depends upon disputed facts or the character of the relief sought, rejection of the plaint at the threshold would be inappropriate.

Similarly, the Court held that the objections relating to limitation and jurisdiction could not be conclusively decided at the preliminary stage. The plaint contained assertions regarding continuing transactions, subsequent developments and the circumstances in which the plaintiffs acquired knowledge of the impugned acts. Whether the suit was within limitation and whether the Commercial Division possessed jurisdiction depended upon factual issues that required evidence. Such questions could not be resolved merely on the basis of rival submissions in an application under Order VII Rule 11.

The judgment is significant because it reinforces that Order VII Rule 11 is intended to eliminate only those suits which are ex facie barred by law. It cannot be employed as a substitute for trial or as a mechanism for adjudicating disputed factual issues. The decision also provides important guidance in commercial litigation by clarifying that objections relating to limitation, jurisdiction and compliance with statutory preconditions such as Section 12A of the Commercial Courts Act must be examined within the narrow confines of Order VII Rule 11. Unless the bar is evident from the plaint itself, courts should ordinarily permit the matter to proceed so that the parties have an opportunity to establish their respective cases through evidence. This approach preserves the balance between preventing frivolous litigation and ensuring that bona fide commercial disputes are not terminated prematurely.

Rejection of Plaint Cannot Replace Trial: Telangana High Court Reiterates the Narrow Scope of Order VII Rule 11

The power to reject a plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908 ("CPC") is intended to prevent courts from entertaining suits that are ex facie barred by law or fail to disclose a cause of action. However, where the objection raised requires adjudication of disputed questions of fact, the Court cannot short-circuit the litigation by rejecting the plaint at the threshold. This principle was reaffirmed by the Telangana High Court in *Gaddam Babaiah & Ors. v. Kadaveru Surendra Mohan & Ors.[2]*, where the Court examined whether a plaint could be rejected on the grounds of limitation and absence of cause of action without permitting the parties to lead evidence.

The appeal arose from an order of the Trial Court allowing an application under Order VII Rule 11 CPC and rejecting the plaint. The plaintiffs had instituted a suit seeking, inter alia, declaration of title, permanent injunction and a declaration that certain sale deeds were illegal. During the pendency of the suit, one of the defendants sought rejection of the plaint on the grounds that it disclosed no cause of action and that the suit was barred by limitation. The Trial Court accepted these objections and rejected the plaint, giving rise to the appeal before the High Court.

[1] Shiv Infra Vision Pvt. Ltd. v. K.S. Chamankar Enterprise & Ors., Commercial Appeal (L) No. 15915 of 2026, decided on 16 June 2026 (Bombay High Court).
[2] Gaddam Babaiah & Ors. v. Kadaveru Surendra Mohan & Ors., Civil Miscellaneous Appeal No. 144 of 2026, decided on 30 June 2026 (High Court for the State of Telangana).

The High Court set aside the order of rejection. It observed that while considering an application under Order VII Rule 11, the Court is required to examine only the averments contained in the plaint. The defence raised by the defendants, or the correctness of the plaintiff's assertions, cannot be tested at that stage. The Court emphasised that the object of Order VII Rule 11 is not to adjudicate the merits of the dispute, but merely to determine whether the plaint, on its face, is liable to be rejected under any of the grounds specified in the provision.

A significant issue before the Court was whether the suit was barred by limitation. The High Court held that limitation, in the facts of the case, could not be decided merely by reading the plaint in isolation. The plaintiffs had specifically pleaded the circumstances in which they acquired knowledge of the impugned transactions and asserted that the suit had been instituted within the prescribed period. Whether these assertions were correct required appreciation of evidence. Consequently, limitation constituted a mixed question of law and fact, making it inappropriate for determination in proceedings under Order VII Rule 11.

The Court adopted a similar approach in relation to the alleged absence of a cause of action. It reiterated that a plaint cannot be rejected merely because the Court considers the plaintiff unlikely to succeed at trial. So long as the plaint contains material facts which, if proved, would entitle the plaintiff to relief, a cause of action is disclosed. The sufficiency or truthfulness of those pleadings is a matter for trial and cannot be examined at the threshold stage. The Court also relied upon settled Supreme Court jurisprudence explaining that rejection of a plaint is an exceptional power which must be exercised sparingly and only in clear cases where the statutory requirements are satisfied.

The judgment is significant because it reinforces the distinction between screening legally untenable suits and prematurely adjudicating disputed claims. While Order VII Rule 11 remains an important procedural tool to prevent abuse of process, its scope is confined to cases where the legal bar is evident from the plaint itself. Where issues such as limitation or cause of action depend upon disputed facts or require evidentiary examination, courts must permit the suit to proceed to trial. The decision therefore serves as a reminder that procedural efficiency cannot come at the cost of denying parties an opportunity to establish their case through evidence, particularly in complex civil and commercial disputes.

An Arbitration Clause Does Not Oust Consumer Jurisdiction: Supreme Court Reaffirms the Primacy of Statutory Remedies

One of the most frequently raised threshold objections in commercial and consumer disputes is that the existence of an arbitration agreement bars the jurisdiction of statutory forums.

While the Arbitration and Conciliation Act, 1996 promotes party autonomy and minimal judicial intervention, it does not override statutory remedies expressly created by special legislations. The Supreme Court reaffirmed this principle in *T.K.A. Padmanabhan v. Abhiyan Cooperative Group Housing Society Ltd.[3],* where it examined whether a consumer complaint could be referred to arbitration solely because the underlying agreement contained an arbitration clause.

The appellant had filed a consumer complaint alleging deficiency in service arising out of delay in handing over possession of a residential flat. After the complaint had been admitted by the District Consumer Forum and notice had been issued to the respondent, the respondent invoked Section 8 of the Arbitration and Conciliation Act, 1996, contending that the dispute ought to be referred to arbitration in view of the arbitration clause contained in the agreement between the parties. The District Forum accepted the objection and referred the parties to arbitration. The said order was successively affirmed by the State Commission and the National Commission, leading to the appeal before the Supreme Court.

The Supreme Court allowed the appeal and held that the existence of an arbitration agreement does not, by itself, exclude the jurisdiction of consumer fora. Referring to Section 3 of the Consumer Protection Act, 1986, the Court reiterated that the remedies provided under the Consumer Protection Act are in addition to, and not in derogation of, remedies available under other laws. Consequently, a consumer who chooses to invoke the statutory remedy under the Consumer Protection Act cannot be compelled to abandon that remedy merely because the contract contains an arbitration clause.

The Court also attached significance to the procedural stage at which the objection was raised. It observed that once the consumer complaint had been admitted and notice had been issued, Section 12(4) of the Consumer Protection Act, 1986 required the Consumer Forum to proceed with adjudication in accordance with the statutory procedure prescribed under the Act. Referring the dispute to arbitration after admission of the complaint would defeat the legislative intent underlying the Consumer Protection Act and render the statutory mechanism ineffective.

Another important aspect of the judgment is the Court's reiteration that the status of a complainant as a "consumer" does not cease merely because possession of the flat has subsequently been delivered. The cause of action relating to deficiency in service, delay or other contractual obligations survives independently of the delivery of possession and continues to be capable of adjudication before the consumer forum. The Court therefore rejected the respondent's contention that the appellant could no longer invoke the jurisdiction of the consumer fora after obtaining possession of the property.

[3] T.K.A. Padmanabhan v. Abhiyan Cooperative Group Housing Society Ltd. & Ors., Civil Appeal No. 9483 of 2025, decided on 2 June 2026 (Supreme Court of India).

The decision is significant because it reinforces the distinction between contractual dispute resolution mechanisms and statutory adjudicatory forums. While arbitration agreements remain enforceable in appropriate cases, they cannot be invoked to defeat statutory rights expressly conferred upon consumers. From a disputes perspective, the judgment also serves as an important reminder that jurisdictional objections based on arbitration clauses must be examined in light of the legislative scheme governing the forum before which proceedings have been instituted. The mere existence of an arbitration agreement does not automatically render proceedings before a statutory forum non-maintainable, particularly where the legislature has consciously preserved an independent statutory remedy.

Judicial Review at the Threshold: Delhi High Court Upholds Limited Interference with Administrative Action

One of the recurring threshold objections in public law litigation concerns the extent to which courts should interfere with executive action at the interim stage. While Article 226 of the Constitution confers wide powers of judicial review, those powers are exercised within well-established principles governing administrative law. The Delhi High Court examined these principles in Telegram *FZ LLC & Anr. v. Union of India & Ors.[4]*, where it considered the validity of an order issued under Section 69A of the Information Technology Act, 2000, directing the temporary blocking of the Telegram platform during the NEET-UG 2026 re-examination.

The petitioners challenged the blocking order on the ground that it was disproportionate, unsupported by adequate reasons and imposed an excessive restriction upon millions of legitimate users of the platform. It was contended that the authorities could have achieved the intended objective by targeting specific channels or groups instead of directing a platform-wide block. The petitioners further argued that the statutory requirements under Section 69A and the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 had not been properly complied with.

The Union of India defended the impugned action by pointing to the widespread misuse of Telegram for circulating purported examination papers, fake leak claims and misleading information relating to the NEET-UG 2026 examination. The Government submitted that repeated takedown requests directed at individual channels had proved ineffective, as offending content continued to reappear through mirror channels, backup groups and automated bots. In these circumstances, it was argued that a temporary platform-wide restriction was necessary to preserve the integrity of the examination process and maintain public order.

The High Court upheld the validity of the blocking order. It held that the expression "information" under Section 2(1)(v) of the Information Technology Act is sufficiently broad to encompass an entire intermediary platform where the statutory conditions prescribed under Section 69A are satisfied. The Court further observed that the authorities had considered the material placed before them, afforded the petitioners an opportunity of hearing and recorded reasons before confirming the blocking order. Accordingly, the decision could not be characterised as arbitrary or suffering from non-application of mind.

The Court also examined the challenge based on the doctrine of proportionality. It observed that judicial review under Article 226 is concerned with the legality of the decision-making process rather than the substitution of judicial opinion for executive assessment. Having regard to the repeated misuse of the platform, the limited duration of the blocking order and the imminent conduct of the re-examination, the Court held that the impugned measures bore a rational nexus with the objective sought to be achieved. Consequently, the temporary restrictions could not be regarded as disproportionate in the facts of the case.

The judgment is significant from a disputes perspective because it reiterates that threshold challenges to administrative action will succeed only where the decision-making process is shown to be legally flawed. Courts exercising writ jurisdiction do not ordinarily interfere merely because an alternative or less restrictive measure may have been available. Instead, the focus remains on whether the statutory procedure has been followed, relevant considerations have been taken into account and the decision satisfies the test of legality, reasonableness and proportionality. The decision therefore reinforces the restrained approach adopted by constitutional courts while reviewing executive action in matters involving public interest and regulatory policy.

Constructive Res Judicata is Not a Mechanical Bar to Subsequent Proceedings: Supreme Court Emphasises a Fact-Specific Approach

The doctrine of **constructive res judicata,** embodied in Explanation IV to Section 11 of the Code of Civil Procedure, 1908, seeks to prevent parties from raising in subsequent proceedings issues which they could and ought to have raised in earlier litigation. The doctrine promotes finality in litigation and discourages multiplicity of proceedings. However, its application is not automatic. The Supreme Court clarified the scope of this doctrine in *Makardhwaj Ram v. Jagdish Rai[5],* holding that constructive res judicata must be applied with due regard to the factual context of each case and cannot be invoked merely because an earlier suit existed between the parties.

[4] Telegram FZ LLC & Anr. v. Union of India & Ors., W.P.(C) No. 8423 of 2026, decided on 19 June 2026 (Delhi High Court).
[5] Makardhwaj Ram v. Jagdish Rai & Ors., Civil Appeal No. 10146 of 2026, decided on 4 July 2026 (Supreme Court of India).

The dispute arose out of a long-standing family property dispute. Earlier proceedings had been instituted challenging the validity of sale deeds executed by a General Power of Attorney holder. Subsequently, the appellant instituted a fresh suit seeking declaration of title and possession on the basis of an independent transfer deed executed in 1960. The High Court dismissed the subsequent suit on the ground that the appellant ought to have raised the plea of title in the earlier proceedings and that the subsequent suit was therefore barred by constructive res judicata.

Allowing the appeal, the Supreme Court held that the High Court had adopted an unduly broad application of the doctrine. The Court observed that constructive res judicata applies only where the issue sought to be raised in the subsequent proceedings was one which the party was both entitled and legally obliged to raise in the earlier litigation. In the present case, the earlier suits were confined to challenging the validity of the sale deeds executed by the attorney holder. The appellant's independent claim of title arising from the 1960 transfer deed neither formed the subject matter of those proceedings nor required adjudication at that stage. Consequently, there was no legal obligation upon the appellant to raise that plea in the earlier suits.

The Court further observed that the occasion to assert the appellant's independent title arose only when subsequent mutation proceedings threatened his proprietary rights. It was at that stage that a cause of action for seeking declaration of title and possession accrued. Since the foundation of the subsequent suit was materially different from that of the earlier proceedings, the doctrine of constructive res judicata could not be invoked to defeat the claim. The Court emphasised that the rule is intended to prevent abuse of judicial process and not to deny adjudication of claims that genuinely arise from a distinct cause of action.

An important aspect of the judgment is the Court's reiteration that constructive res judicata is not a rigid or technical rule. Its application depends upon the nature of the earlier proceedings, the issues actually involved, the reliefs claimed and the stage at which the subsequent cause of action arose. Courts must therefore examine whether the party had both the opportunity and the obligation to raise the issue in the earlier proceedings before concluding that a subsequent suit is barred. A mechanical application of the doctrine may result in injustice by foreclosing legitimate claims that were neither necessary nor appropriate to be raised previously. The decision is significant because it reinforces that threshold objections based on res judicata require careful scrutiny of the pleadings, causes of action and issues involved in both proceedings. The doctrine cannot be invoked merely because the parties or the subject matter overlap. Rather, courts must determine whether the subsequent claim is founded upon an issue that was necessarily required to be litigated in the earlier proceedings.

The judgment therefore provides important guidance for litigants raising or resisting objections based on constructive res judicata, while ensuring that the doctrine continues to serve its intended purpose of preventing multiplicity of proceedings without defeating legitimate claims.

Mandatory Pre-Institution Mediation Cannot Be Circumvented: Calcutta High Court Reaffirms the Rigour of Section 12A of the Commercial Courts Act

The introduction of Section 12A of the Commercial Courts Act, 2015 reflects the legislative intent to encourage parties to explore settlement before invoking the jurisdiction of commercial courts. Since its insertion, courts have consistently treated compliance with the requirement of pre-institution mediation as a mandatory condition for instituting a commercial suit, except where urgent interim relief is sought. The Calcutta High Court revisited the scope of this requirement in *Ramji Lal Agarwal v. Sourav Agarwal[6],* where it examined whether mediation conducted in an earlier suit could be treated as sufficient compliance with Section 12A in a subsequently instituted commercial suit.

The plaintiff instituted a commercial suit seeking enforcement of a negative covenant contained in a family settlement agreement and simultaneously sought interim injunctive relief against the defendant. At the threshold, the defendant questioned the maintainability of the suit on multiple grounds, the principal objection being that the plaintiff had failed to comply with the mandatory requirement of pre-institution mediation under Section 12A of the Commercial Courts Act. The plaintiff argued that the parties had already undergone mediation during the pendency of an earlier suit concerning the same dispute, pursuant to directions issued by the Division Bench, and that such mediation constituted substantial compliance with Section 12A.

The High Court rejected this contention. It observed that the earlier mediation had been conducted pursuant to Section 89 of the Code of Civil Procedure during the pendency of an appeal arising from a previous suit. That mediation was undertaken within a different statutory framework and in connection with proceedings that ultimately stood dismissed as not maintainable. The subsequent commercial suit was an independent proceeding governed by the Commercial Courts Act and therefore attracted the mandatory requirements prescribed under Section 12A at the time of its institution. The Court held that mediation undertaken in an earlier proceeding could not substitute the statutory pre-condition applicable to a fresh commercial suit.

The Court further noted that although the plaint contained an averment seeking dispensation of pre-institution mediation, the plaintiff had neither formally applied for such exemption nor obtained leave of the Court before instituting the suit. In the absence of compliance with Section 12A or a judicial order

[6] Ramji Lal Agarwal v. Sourav Agarwal & Ors., CS (Comm) No. 177 of 2025, decided on 8 July 2026 (Calcutta High Court, Commercial Division).

dispensing with the requirement, the suit suffered from a statutory defect at its inception. The Court reiterated that the mandatory nature of Section 12A, as recognised in earlier judicial precedents, leaves little scope for substantial compliance or equitable exceptions where the statutory conditions have not been fulfilled.

In arriving at its conclusion, the Court distinguished the decision of the Delhi High Court in AAOne Developers Private Limited v. Sabita Jha, where mediation undertaken prior to the conversion of an existing civil suit into a commercial suit had been accepted as sufficient compliance. The Calcutta High Court observed that the Delhi case involved a single continuing proceeding, whereas the present matter concerned an entirely new commercial suit instituted after the earlier proceedings had concluded. The distinction, according to the Court, was determinative, as each fresh commercial suit must independently satisfy the statutory conditions governing its institution.

The Court ultimately rejected the plaint under the Commercial Courts Act and directed the parties to undergo mediation before the jurisdictional mediation centre. Importantly, it clarified that it had not examined the remaining objections relating to maintainability or the merits of the dispute, as the failure to comply with Section 12A itself was sufficient to dispose of the proceedings.

The judgment is significant because it reinforces that pre-institution mediation under Section 12A is not a procedural formality but a statutory condition precedent to the institution of a commercial suit. The decision makes it clear that compliance cannot be inferred from mediation conducted under a different statutory mechanism or in earlier proceedings between the same parties. For commercial litigants, the ruling serves as an important reminder that procedural prerequisites under the Commercial Courts Act must be complied with strictly, failing which the suit itself may be rendered non-maintainable at the threshold.

FINDINGS

The judgments discussed in this newsletter indicate a noticeable shift in the judicial approach towards threshold objections in civil and commercial litigation. Rather than treating procedural rules as mere technical requirements, courts are increasingly using them as tools to ensure that litigation proceeds before the correct forum, in the correct manner and at the appropriate stage. At the same time, there is an equally discernible reluctance to permit procedural objections to become instruments for defeating legitimate claims without a proper adjudication.

A striking feature across these decisions is that the courts have consistently distinguished between pure questions of law and mixed questions of law and fact. Where a statutory bar is apparent from the pleadings themselves, courts have shown little hesitation in terminating proceedings at the threshold. However, where the objection depends upon disputed facts, competing versions of events or the appreciation of evidence, the judiciary has preferred to allow the matter to proceed to trial rather than prematurely foreclose the dispute. This distinction reinforces the limited nature of threshold adjudication and preserves the role of trial as the primary forum for resolving factual controversies.

The decisions also demonstrate that procedural requirements are being interpreted in light of their underlying legislative purpose. Whether dealing with pre-institution mediation under the Commercial Courts Act, arbitration clauses, or the doctrine of constructive res judicata, the courts have avoided adopting a purely technical approach. Instead, emphasis has been placed on ensuring that procedural provisions fulfil the objective for which they were enacted, namely, reducing unnecessary litigation, preventing abuse of process and promoting orderly adjudication without compromising substantive justice.

Another notable trend is the judiciary's continued insistence on maintaining the distinction between contractual rights and statutory remedies. The existence of a contractual dispute resolution mechanism does not automatically extinguish statutory remedies, nor can procedural requirements prescribed under one legal framework be treated as interchangeable with those under another. This approach preserves the integrity of specialised statutory regimes while ensuring that litigants invoke the appropriate procedural mechanism for the relief they seek.

Collectively, these judgments reaffirm that procedural objections are not intended to provide litigants with tactical advantages. Their primary function remains the efficient administration of justice by filtering out proceedings that are legally unsustainable while ensuring that genuine disputes are not denied adjudication merely because they involve complex factual or legal questions.

CONCLUSION

The recent decisions examined in this newsletter reflect a balanced and pragmatic judicial approach towards threshold objections in civil and commercial litigation. Courts have continued to recognise the importance of procedural discipline, but have equally emphasised that procedural rules must serve the broader objective of fair and effective adjudication. The focus is no longer on procedural technicalities for their own sake; rather, the enquiry is whether the objection genuinely affects the court's ability to entertain the proceedings or whether it merely seeks to delay adjudication.

For litigators, these decisions carry important practical implications. Preliminary objections should be raised only where they are supported by a clear statutory foundation and are capable of being determined without a detailed examination of evidence. Objections based on limitation (where it is apparent on the face of the pleadings), jurisdiction, maintainability or statutory preconditions require careful evaluation at the drafting stage, as courts are increasingly scrutinising whether such objections truly warrant dismissal of proceedings at the threshold. Conversely, parties instituting proceedings must ensure strict compliance with mandatory procedural requirements, particularly where legislation prescribes conditions precedent to the institution of a suit or application.

Perhaps the most significant lesson emerging from these judgments is that procedural law has evolved from being viewed as a collection of technical rules into an essential component of case management and judicial efficiency. The courts are encouraging litigants to identify genuine threshold issues at the earliest possible stage, while discouraging procedural objections that merely postpone adjudication of the real dispute. As commercial litigation continues to grow in complexity, this measured approach is likely to strengthen both procedural certainty and the efficient administration of justice, without compromising the fundamental objective of ensuring that disputes are decided on their merits wherever the law so requires.

FIRM HIGHLIGHTS

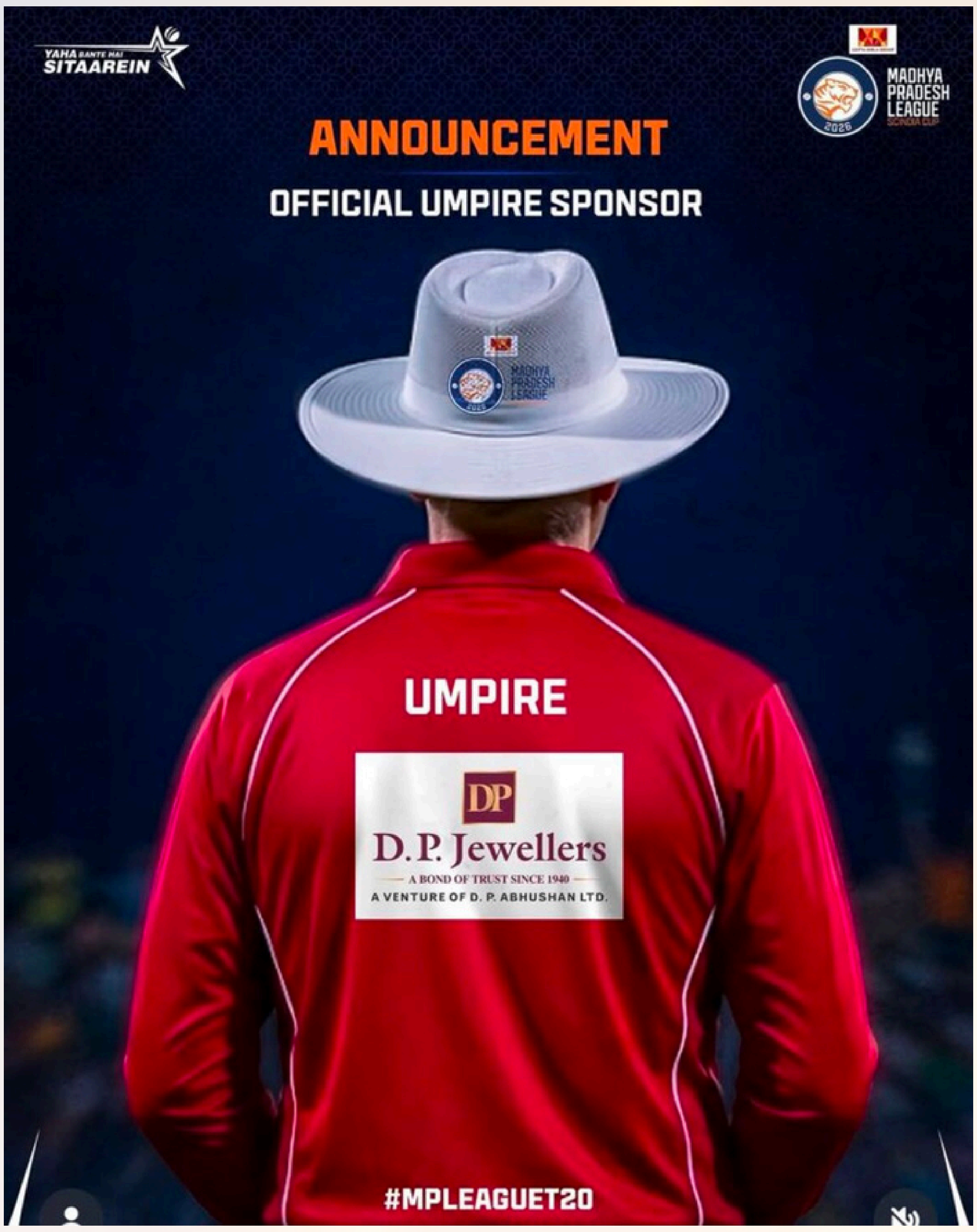
ANM Global is pleased to have represented KVN Thespian Films LLP, successfully advising on the transactions, including drafting, negotiation and execution of the agreements for the production and exploitation/distribution of the film.

ANM Global is pleased to have represented Clout (a division of Pocket Aces Pictures Private Limited), acting for its exclusive talent Mr. Viraj Ghelani in negotiating and finalizing the Lead Artist agreement for the project.

ANM Global is pleased to have represented Applause Entertainment, successfully advising on the transaction, including drafting, negotiation and execution of the agreements for the production and exploitation/distribution of the film.

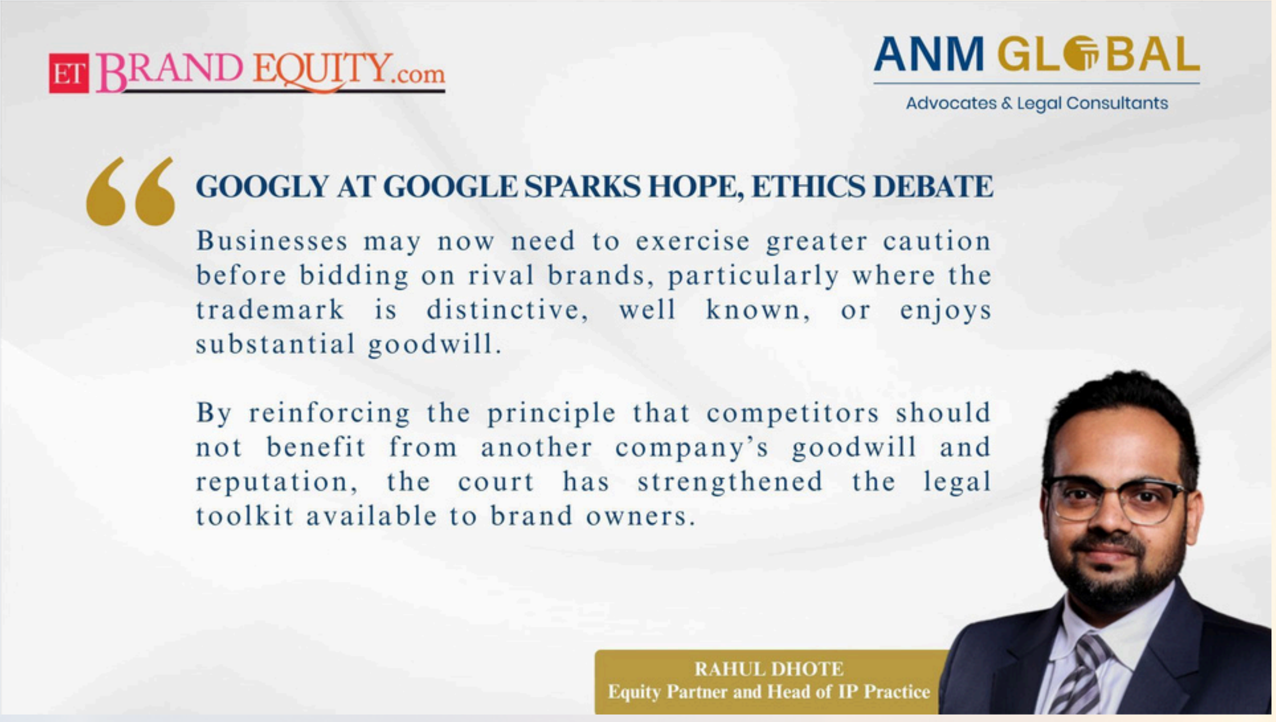
ANM Global is pleased to have represented Balaji Telefilms Ltd. in successfully advising on the production and release of the series Lock Upp, including drafting, negotiating, and finalising the agreements with the platform, hosts, and participants.

ANM Global advised and represented DP Jewellers (DP Abhushan Limited) in negotiating and finalising its engagement as an Official Sponsor and the Exclusive Umpire Sponsor for the Madhya Pradesh League for the Scindia Cup.

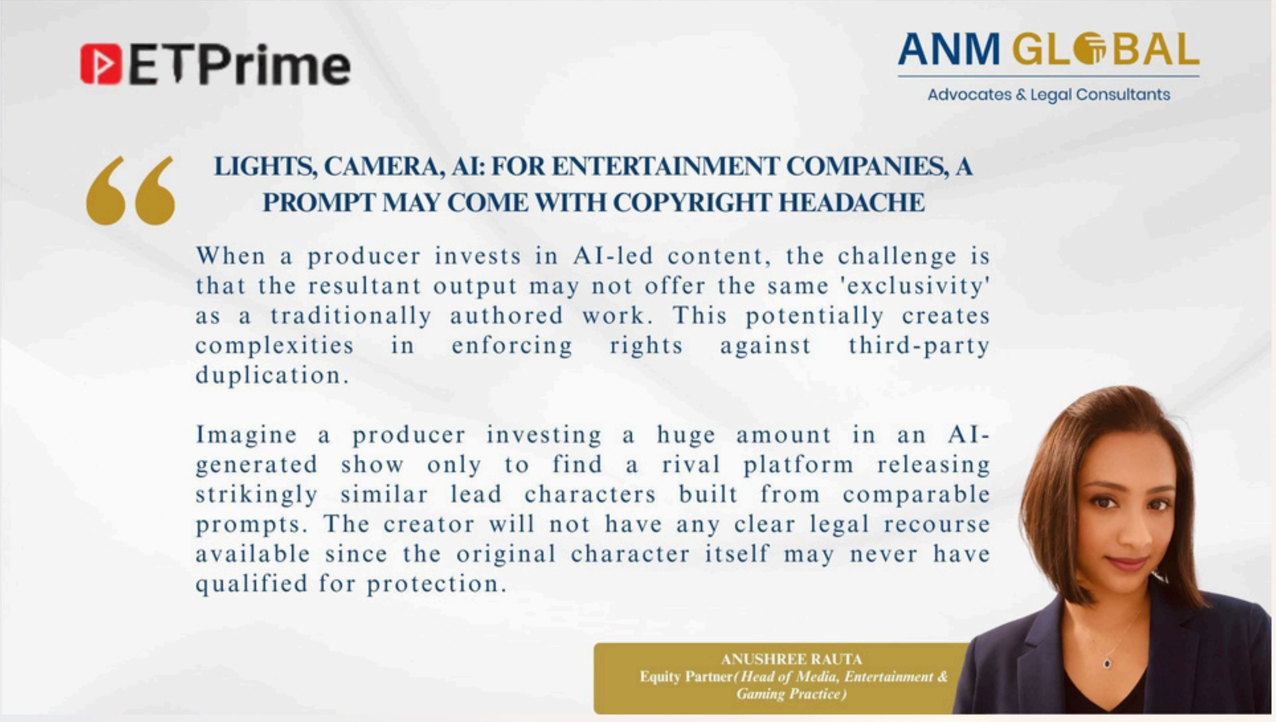


FIRM HIGHLIGHTS

We are pleased to share that our Equity Partner (Head – Media, Entertainment & Gaming Practice), Anushree Rauta, has been quoted in ET Prime in the article "Exit Ranveer, Enter a Clearer Picture for Artist Exit."



In an article published by ET BrandEquity (The Economic Times), Rahul Dhote, Equity Partner and Head of Intellectual Property at ANM Global, examines the implications of the decision for brand owners and advertisers, including the heightened legal risks associated with bidding on competitor trademarks and the Court's approach to protecting brand goodwill in the digital marketplace.



Anushree Rauta, Equity Partner and Head of the Media, Entertainment & Gaming Practice, has been quoted in ET Prime in its article, Lights, Camera, AI: For Entertainment Companies, a Prompt May Come with Copyright Headache.

F I R M   H I G H L I G H T S

We are proud to share that ANM Global has been recognised in the latest IP STARS (Managing IP's rankings publication) as a Notable Firm under Copyright and Related Laws.

We are equally delighted to announce that our Equity Partner and Head of IP Practice, Rahul Dhote has been recognised as a Trademark Star.

ANM Global has been recognised as one of the winners of the India Business Law Journal (IBLJ) Law Firm Awards 2026 for its work in Media & Entertainment.

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