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SUPREME COURT

When Timing Trumps Form Supreme Court Clears Commercial Suits Filed Pre-August 2022 Without Mediation

Sheikh Rayees • May 17, 2025

PUBLISHED REPORT

In a pivotal ruling, the Supreme Court has drawn a sharp line between procedural formality and practical justice for commercial disputes filed before August 20, 2022. It clarified that suits initiated without pre-institution mediation, as mandated by Section 12A of the Commercial Courts Act, 2015, cannot simply be tossed out under Order VII Rule 11 of the Civil Procedure Code. The case arose from a money recovery suit filed by...

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