

EFFECTIVE HANDLING OF LITIGATION BEFORE CONSTITUTIONAL COURTS AND ROLE OF IN-HOUSE COUNSELS

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SENIOR ADVOCATE


INTRODUCTION

WHY AND HOW


ARE THE MAJOR CONNOTATIONS WHICH CAN AND NEED TO BE ADDRESSED TOWARDS EFFECTIVE HANDLING OF LITIGATION BEFORE CONSTITUTIONAL COURTS AND ROLE OF IN-HOUSE COUNSEL.

ALTERNATIVES TO LITIGATION

Subject to commercial wisdom, litigation shouldn't be given a complete go by if principally and constitutionally there is a strong case.



Admittedly in today's scenario Litigation is both a Costly and Indefinite process; which can be attempted to be avoided as far as possible.



In this scenario, Alternative Dispute Resolution processes should be taken advantage of:

1. Mediation (Section 89 & Order 10 of CPC);
2. Arbitration (Act of 1996)

LITIGATION IN LOWER COURTS/AUTHORITIES

- ❖ PRE LITIGATION CONSULTATION WITH AN EXPERT CAN PREVENT HUGE COSTS IN THE FUTURE.
- ❖ FULL & PROPER REPRESENTATION BEFORE AUTHORITIES/LOWER COURTS : A STRONG BASE GIVES ADDED ADVANTAGE IN CONSTITUTIONAL COURTS.
- ❖ IMPORTANT FACETS OF AN IN-HOUSE COUNSEL.
 - ❖ MASTERY OF FACTS
 - ❖ UPDATE IN TERMS OF VARIOUS NOTIFICATIONS/CIRCULARS ETC.

EXAMPLE: GST IS SEEING CHANGE IN LAW AS A REGULAR AND DAILY FEATURE, SO UPDATING YOURSELF WITH YOUR SUBJECT SPECIFIC INDUSTRY CAN BE A GREAT BOON AS AN INPUT WHILE PREPARING BEFORE A CONSTITUTIONAL COURT.

LITIGATION IN CONSTITUTIONAL COURTS: GOING LOCAL



Strategic Planning on a
Local Level



Field Experience: Local
stationing of in house
counsel



Physical presence of in
house counsel during
hearings

LITIGATION BEFORE CONSTITUTIONAL COURTS: OUTSIDE COUNSEL



Understanding the best combination of solicitor and arguing counsel for your needs



Understanding the judge presiding over your case



Cooperation & rapport between in house counsel & outside counsel



THANK YOU



OUR ORGANIZATION

LAW DIVISION

Dr. Justice Vineet Kothari (Former)
Adv Meena Kothari
Adv Vinay Kothari
Adv Devendra Singh Chouhan
Adv Mehul Kothari
Adv Pradeep Singh Khichi
Adv Adarsh Kothari
Adv Richa Kothari
Adv Kritika Kothari
Adv Ayush Goyal
Adv Gautam Yadav

CA DIVISION

C.A. A.M.Kothari
C.A. Amit Kothari
C.A. Parasmani
C.A. Shalini Kothari
C.A. Abhinav Kothari
C.A. Kailash Puri
C.A. Sumit Rathore
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