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RES JUDICATA - A COMPARATIVE ANALYSIS OF ITS APPLICATION IN THE INDIAN LEGAL SYSTEM.

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Introduction

The Latin phrase "a matter judged" is known as res judicata. It is against the law for the same parties to litigate the same matter or cause of action that has already been resolved by an appropriate court once again. Section 11 of the Civil Procedure Code of 1908 (CPC) of India recognizes the Res Judicata theory. This essay tries to present an outline of Res Judicata's applicability in the Indian setting along with relevant legal precedents.¹

What does Res Judicata mean?

Res Judicata includes two components: (i) Res Judicata as to cause of action; and (ii) Res Judicata as to issue. Cause of action Res Judicata states that once a case has been decided by a court with appropriate jurisdiction, no new lawsuit may be brought based on the same cause of action. Issue Res Judicata states that a particular issue cannot be brought up again in a later lawsuit between the same parties after being resolved by a court of competent jurisdiction.

Res Judicata's Application in India

In India, Section 11 of the CPC embodies the idea of Res Judicata. This clause states that a dispute that has already been resolved by a court of competent jurisdiction between the same parties or their privies cannot be brought up again in a later lawsuit between those parties. Res Judicata has two purposes: (i) it assures that judicial rulings are final; and (ii) it stops parties from being harassed by litigation. Res Judicata is a legal principle that guarantees the finality of court rulings

¹ CODE OF CIVIL PROCEDURE, ACT NO. 5, 1908 (INDIA) S 11

and safeguards parties from unfair litigation. Under Section 11 of the CPC, the Doctrine of Res Judicata has a very broad scope of application. First off, it covers verdicts rendered by all types of courts, including tribunals and quasi-judicial bodies, in both civil and criminal matters.²

Second, the doctrine of Res Judicata applies to issues that could have been raised and determined in a lawsuit as well as matters that were actually raised and resolved in that lawsuit. This means that if a matter that may have been brought up and resolved in a lawsuit, it cannot be brought up again in a lawsuit between the same parties in the future. This makes sure that parties cannot choose to save particular issues or causes of action for later litigation.

Thirdly, the doctrine of Res Judicata covers both the parties and their privies to the initial lawsuit. This means that anyone bringing a claim through or under a party to the original suit is bound by the judgment in that suit and is not permitted to bring the same claim or cause of action again.

Finally, both Indian courts and courts outside must follow the Res Judicata principle. As a result of Section 11 of the CPC, the doctrine of res judicata is a cornerstone of Indian law. It applies to a large variety of cases, parties, and courts, both inside and beyond India, and assures that judicial judgments are final.

Elements of Section 11

The first requirement of Section 11 is that the issue must have been resolved by a competent court in a prior lawsuit. A "competent court" is a court that has jurisdiction over the issue at hand. In the case of **Smt. Sita Bai v. Ram Chandra**, it was determined that a court must have jurisdiction over the topic at hand in order to be declared competent. Therefore, a court's ruling won't be regarded as final if it lacks jurisdiction over the issue.³

The parties in the prior suit must be the same as the parties in the present suit, or their privies, according to Section 11's second requirement. The phrase "privies" refers to a person who is somehow associated with the parties, such as via inheritance or representation. The Supreme Court ruled in **Union of India v. Pramod Gupta** that the doctrine of res judicata applies to both the

² *ID*

³ SITA BAI V RAM CHANDRA, AIR 1970 SC 343

parties to the lawsuit and those who are represented by them.⁴

The subject in question had to have been directly and materially at issue in the prior lawsuit, according to the third criterion of Section 11. An issue is deemed "directly and substantially" in issue if it is crucial to the resolution of the matter at hand, according to the ruling in **Ratan Lal Sharma v. Purshottam Sharma**. Res judicata does not apply to issues that were merely incidentally raised in the prior lawsuit.⁵

The subject must have been finally resolved in the prior lawsuit, according to the fourth and final requirement of Section 11 of the Code. In **Satyadhan Ghosal v. Deorajin Debi**, it was decided that a judgement is deemed final if it establishes the parties' rights and obligations with regard to the case's subject matter. The ruling cannot be regarded as res judicata if it is not final.⁶

Over the years, different judicial rulings have been made regarding how Section 11 should be interpreted. With the use of pertinent case laws, we will examine the application of Section 11's components in this essay.

In the case of **State of Assam v. Shankarlal Agarwalla**, the Supreme Court ruled in this decision that the principle of Res Judicata applies to both issues that could have been raised and determined in a lawsuit as well as matters that were actually raised and decided in the lawsuit. The court made the observation that an issue that may have been brought up and resolved in a lawsuit cannot be brought up again in a future lawsuit between the same parties.⁷

In the case of **Union of India v. Nanak Singh**, the Supreme Court determined that the principle of Res Judicata also applied to revenue court judgments. The court noted that the Res Judicata principle preserves the finality of judicial rulings and is founded on public purpose.⁸

In the case of **Suraj Bhan v. Harnam Singh**, the Supreme Court ruled that the concept of Res Judicata applies to decisions made by foreign courts as well as those made by Indian courts. The court noted that the res judicata concept is an evidence rule and that it applies to all judgments

⁴ UOI V. PRAMOD GUPTA, APPEAL (CIVIL) 6825-26 OF 2003

⁵ RATAN LAL SHARMA V. PURSHOTTAM SHARMA, (2006) 12 SCC 1

⁶ SATYADHAN GHOSAL V. DEORAJIN DEBI, AIR 1960 SC 941

⁷ STATE OF ASSAM V. SHANKARLAL AGARWALLA AIR 1976 SC 300

⁸ UNION OF INDIA V. NANAK SINGH AIR 1959 SC

that are pertinent and admissible in evidence.⁹

In the case of **Nawab Hussain v. State of Uttar Pradesh**, the Supreme Court ruled that the principle of Res Judicata also applied to orders made in criminal cases, in addition to judgements rendered in civil lawsuits. Res Judicata, according to the court, is a fundamental legal principle that governs all judicial procedures.¹⁰

The Supreme Court ruled in **Shanta Bai v. State of Bombay** that the doctrine of Res Judicata encompasses not only court decisions but also rulings issued by tribunals and other quasi-judicial bodies.¹¹

In the case of **Daryao v. State of Uttar Pradesh**, it was decided by the apex court that “Res Judicata does apply even when it comes to matters of writ petitions when the subject matter that is being dealt with remains the same and therefore the decision of the Allahabad High Court was held valid and rightly”.¹²

Relation Between Constructive Res Judicata and Conventional Res Judicata

Res Judicata is a legal theory that encourages the finality of court rulings and forbids the same parties from litigating the same problems over. Res Judicata comes in two varieties: the conventional or "bar" form and the "Constructive Res Judicata" or Issue Estoppel. Although they operate differently, both types of Res Judicata are essential for preserving the validity of judicial rulings.

The traditional or "bar" Res Judicata prohibits parties from filing a second lawsuit based on the same claim or problem that was resolved in the first lawsuit. The idea behind it is straightforward: it prevents the same dispute from being brought up in a fresh case. The rule is applicable where the identical matter involving the same parties has already been finally decided by a competent court. In certain situations, the parties are prohibited from bringing up the same matter again in

⁹ SURAJ BHAN V. HARNAM SINGH AIR 2000 SC 189

¹⁰ NAWAB HUSSAIN V. STATE OF UTTAR PRADESH AIR 1977 SC 2264

¹¹ SHANTA BAI V. STATE OF BOMBAY AIR 1959 SC 135

¹² Daryao v. State of Uttar Pradesh, 1961 SCR (1) 574

court. Because it prevents the same issue from being re-litigated in a new case, this sort of Res Judicata is often referred to as "bar" Res Judicata.

Contrarily, the Constructive Res Judicata or Issue Estoppel forbids a party from bringing up an issue that has been rejected in a previous lawsuit in a subsequent case. Issue Estoppel, in contrast to traditional Res Judicata, is applicable to any topic that was "directly and substantially" at issue in the prior lawsuit, even if the merits of the matter were not resolved. Whether or not the cause of action in the two procedures is the same, the rule nevertheless holds true. The same party cannot raise the same claim in a subsequent process if it has already been rejected by a court in a previous lawsuit.

Concept of Res Judicata, Res Sub Judice and Lis Pendens

The concepts of Res Judicata and Res Sub Judice are closely connected since both aim to stop the same issues from being litigated again in separate processes. Res Sub Judice precludes concurrent proceedings in several courts on the same issue, whereas Res Judicata works to prevent the re-litigation of a matter that has already been decided.

The doctrine of Res Sub Judice, which is outlined in Section 10 of the Code of Civil Procedure, 1908, forbids the institution of any further legal action while another legal action involving the same cause of action and the same parties is ongoing before a court with the necessary jurisdiction. The doctrine's purpose is to prevent the possibility of conflicting rulings by several courts, which can cause uncertainty and jeopardize the judiciary's legitimacy. While Res Judicata is applicable when a final judgment has been rendered, Res Sub Judice is applicable when there are two ongoing cases.¹³

But when a legal case is still ongoing, the idea of lis pendens (literally, "pending suit") is in effect. It is a scenario in which a party tries to start a similar proceeding on the same matter before a separate court while a legal dispute is ongoing before one court. The lis pendens doctrine works to stop the same parties from starting repeated proceedings on the same topic.

¹³ CODE OF CIVIL PROCEDURE, ACT NO. 5, 1908 (INDIA) S 12

The concepts of Res Judicata and Res Sub Judice work in tandem to accomplish the same goal of avoiding repeated litigation of the same issues. The two concepts prevent the same problems from both being tried concurrently in other courts and from being litigated again in the same court. The theories encourage the finality of judicial judgments and forbid rehashing the same disputes with the same parties. The doctrine of lis pendens applies while a legal dispute is pending, as opposed to the doctrine of Res Judicata, which takes effect after a case has been definitively resolved.

To encourage judicial efficiency and prevent inconsistent rulings, the Indian courts have consistently interpreted and applied the theories of Res Judicata and Res Sub Judice. In the case of Sital Prasad Saxena v. Union of India, the Supreme Court ruled that where there are two ongoing proceedings, the doctrine of Res Sub Judice applies, and when a final judgment has been rendered, the doctrine of Res Judicata applies. The court concluded that the two principles are complementary to one another and work together to keep the same disputes from being litigated again.¹⁴

Conclusion

A key concept in civil procedure, the doctrine of Res Judicata seeks to stop the same problems from being litigated over again in separate procedures. The theory protects the finality of court rulings and advances judicial effectiveness by prohibiting recurrent disputes over the same problems between the same parties. To accomplish these goals, the Res Judicata doctrine has been routinely applied by Indian courts.

Section 11 of the Code of Civil Procedure, which outlines the requirements for its applicability, supports the notion of Res Judicata. A dispute that has been definitively resolved by a court with competent authority cannot be reopened between the same parties, according to the Section. Constructive Res Judicata, which applies when a subject that may have been raised in a previous proceeding is sought to be raised in a subsequent proceeding, is also outlined in the Section.

The idea of Res Sub Judice, which is outlined in Section 10 of the Code of Civil Procedure, is closely related to the doctrine of Res Judicata. The Res Sub Judice concept forbids the same subject from being litigated concurrently in several courts. Together, the two concepts help to

¹⁴ SITAL PRASAD SAXENA V. UNION OF INDIA, 1 1985 SCR (1) 659

improve judicial effectiveness, avoid contradictory rulings, and stop the same disputes from being litigated again.

Res Judicata is a fundamental principle of civil procedure that supports judicial effectiveness and protects the finality of court judgments. Section 11 of the Code of Civil Procedure, which specifies its applicability, supports the notion. The primary objectives of the theories of Res Judicata and Res Sub Judice are the same, and the Indian courts have consistently implemented and construed both principles to advance judicial effectiveness and prevent conflicting rulings.

