

## UNDERSTANDING THE DOCTRINE OF RES JUDICATA IN INDIAN PERSPECTIVE

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### ABSTRACT

A cornerstone of Indian law is the idea of *res judicata*, which guarantees the finality of court rulings and prohibits the retrial of cases that have previously been decided by competent courts. Its name, which comes from the Latin maxim "res judicata pro veritate accipitur," is intended to encourage judicial efficiency by preventing needless court cases. *Res judicata*, which is codified in Section 11 of the *Code of Civil Procedure*, 1908, has two main purposes: first, it shields people from the hassle of having to deal with repeated lawsuits for the same issue; second, it preserves the authority and dignity of court decisions by considering them as definitive. Through significant rulings, the Indian judiciary has developed and improved the theory since independence. The finality of the decision, the participation of the same parties, the same cause of action, and the fact that the matter is directly and materially in dispute are important guiding elements. The doctrine covers arbitral proceedings, administrative rulings, and criminal cases. Application challenges come from changing legal environments, recognising similar problems, and overseeing public interest lawsuits. Despite these difficulties, *res judicata* is nonetheless essential for preserving the stability, efficacy, and integrity of the legal system since it prevents disputes from being reopened after they have been definitively settled.

**Keywords**- Res Judicata, Court, Code, Civil, Doctrine

### INTRODUCTION

One important legal principle that ensures the finality of court decisions and keeps cases from being re-lit after they have been definitively decided by competent courts is the idea of *res judicata*. The Latin phrase "res judicata pro veritate accipitur," which means "a matter judged is taken to be true," is the source of this idea. By preventing needless legal actions, it helps to maintain judicial stability and efficiency. *Res judicata* is a legal doctrine in India that is outlined in Section 11 of the Code of Civil Procedure, 1908, and whose concepts have been refined over time by a number of court rulings. The fundamental goals of *res judicata* are to: (1) shield people from the inconvenience of numerous lawsuits pertaining to the same issue; and (2) preserve the respectability and

authority of court rulings by considering them to be final. This concept makes sure that the same parties cannot challenge the decision made by a court of competent jurisdiction in a subsequent lawsuit. By reducing repetitive litigation, this promotes judicial economy by freeing up court resources for new and unsettled problems.

The concept of *res judicata* in India includes a number of important ideas and uses. It broadens its application to encompass privies in law by covering not only the parties that were engaged in the initial case but also those who make claims under them. In addition, the theory applies to factual and legal issues, given that they were crucial to the outcome of the preceding case. The broad applicability of *res judicata* across multiple judicial and

administrative forums is reflected in its application, which is not restricted to decisions made by civil courts but also includes decisions made by quasi-judicial authorities and tribunals. Through significant rulings, Indian courts have clarified the theory, addressing its subtleties and exceptions. Among these is the idea of constructive *res judicata*, which holds that even though certain matters were not specifically addressed in previous litigation, they are nonetheless considered to have been decided. This extension stops parties from purposefully ignoring concerns during the first processes in order to bring them up later, which would violate the doctrine.

Therefore, a thorough analysis of the tenets, judicial interpretations, and real-world applications of the Indian *res judicata* doctrine is necessary to comprehend it. This investigation emphasises its importance in the Indian legal system as well as how it promotes judicial impartiality, consistency, and efficiency. The Indian judiciary hopes to achieve a balance between people's rights to pursue justice and the more general need to uphold the integrity and finality of court decisions through the use of this theory.

### DOCTRINE OF *RES JUDICATA* IN INDIAN PERSPECTIVE.

A cornerstone of the Indian legal system is the Doctrine of *Res Judicata*, which seeks to give court rulings finality and avoid repeated lawsuits on the same matter. It is guaranteed that a matter cannot be re-litigated between the same parties once it has been decided by a competent court and is enshrined in Section 11 of the *Code of Civil Procedure, 1908*. The stability and integrity of the legal system depend heavily on this idea.

### ESSENTIALS OF *RES JUDICATA*

Before a plea of *Res Judicata* can be given effect, the following conditions must be satisfied: "The suit must be decided by a court with appropriate jurisdiction; (i) the litigating parties must be the same; (ii) the suit's subject

matter must also be identical; (iii) the matter must be finally decided between the parties."<sup>428</sup> The Rent Control Acts state that *res judicata* or estoppel cannot be used to gain control over a property. The guiding principle is that the Court cannot have jurisdiction over subjects that the Acts expressly restrict the Court from having, and neither *res judicata* nor estoppel can do so.<sup>429</sup>

The following maxims forms the basis of *res judicata*:

- (i) "Nemo debet bis vexari pro una et eadem causa:<sup>430</sup> no man should be vexed twice for the same cause;
- (ii) interest reipublicae ut sit finis litium:<sup>431</sup> it is in the interest of the state that there should be an end to a litigation;
- (iii) *res judicata pro veritate occipitur*:<sup>432</sup> a judicial decision must be accepted as correct."

Thus, the idea of *res judicata* is a combination of public policy as assessed by maxims (i) and private justice as expressed in maxim (ii). It also applies to all legal proceedings, whether they are criminal or civil.

In *Lal Chand v. Radha Krishnan*<sup>433</sup>, the Supreme Court stated that the idea is based on fairness, justice, and moral conscience. Judges would apply the *res judicata* doctrine 'to sustain the effect of the previous judgement' when presented with a claim that was essentially identical to or similar to the earlier one after issuing a final verdict in a case. As such, no Indian court has the authority to re-examine the same case, even its own. This will stop them from multiplying judgements, preventing the defendant from receiving damages for the same injury twice in the event that the plaintiff prevails.

<sup>428</sup> Syed Mohd Salie Labbai v. Mohd. Hanifa, AIR 1976 SC 1569 (1577).

<sup>429</sup> P.D.M. Reddy v. P.A. Rao, AIR 1974 SC 908 (915).

<sup>430</sup> Herbat Brooms, Legal Maxims 222(T & J.W. Johnson, Philadelphia, 1852).

<sup>431</sup> (1599) 77 Eng Rep. 263,266.

<sup>432</sup> (1877) 2 AC 519.

<sup>433</sup> AIR 1977 SC 789.

## SCOPE OF RES JUDICATA

The *Gulam Abbas v. State of U.P.*<sup>434</sup> case effectively established the scope of Res Judicata, “as it incorporates the rule of conclusiveness as evidence or bars as a plea of an issue tried in an earlier suit founded on a plaint in which the matter is directly and substantially an issue becomes final”. The concept of res judicata has been interpreted by courts as a broader notion of the finality of decisions, and a ruling made under Section 12 of the U.P. Agriculturists Relief Act of 1934 was found to be in accordance with this theory. The concept of *res judicata* is embodied in Section 11 of the *Code of Civil Procedure*, although it has been held that this section is not exhaustive and that a matter may nevertheless constitute res judicata on general principles even if it is not expressly addressed by its provisions.<sup>435</sup> *Res Judicata* covers a broader range of ideas than what is specified in Section 11 alone. *Res Judicata* may apply to decisions made on matters in one suit just as much as it may to stages within the same suit.<sup>436</sup>

## JUDICIAL PRECEDENTS ON RES JUDICATA.

The *res judicata* concept, which states that no unjustified litigation should take place and that all parties' admissible claims and defences must be raised simultaneously, has been put into effect by the courts. This guarantees the finality of the court's binding ruling and prevents the parties from having to deal with the same kind of lawsuit repeatedly. In the case of *Daryo v. State of U.P.*<sup>437</sup>, the Supreme Court ruled that writ petitions filed under Article 32 and Article 226 of the Constitution are subject to the Res Judicata principle. This decision highlighted how Res Judicata ensures judicial efficiency and finality by preventing parties from re-arguing subjects that have already been determined.

In the case of *Satyadhyan Ghosal v. Smt. Deorajin Debi*<sup>438</sup>, the Supreme Court clarified that interlocutory orders that have reached finality are also subject to Res Judicata, in addition to substantive decisions.

In the case of *Gurbachand Chhotalal Parikh v. State of Gujarat*<sup>439</sup> the scope of *Res Judicata* was extended by this landmark ruling to encompass civil cases and specific administrative directives. The court underlined that the theory seeks to safeguard the public interest by preventing needless litigation.

In the landmark case of *Canara Bank v. N.G. Subbaraya Setty and Others*<sup>440</sup>. Justice Nariman of the Supreme Court defined res judicata and its exceptions relating to legal matters. Several rulings from the Supreme Court and High courts were used in the analysis of res judicata in this particular instance. Res judicata will not apply to the current lawsuit in situations where a previous lawsuit involving questions of law and fact, issues of jurisdiction, or legal issues has led to an incorrect decision between similar parties. This is true even if the issue raised in the prior lawsuit was “directly and substantially in issue” identical. The conditions under which res judicata will not apply in legislative proceedings were also made clear by the court.

## EXCEPTION TO DOCTRINE OF RES JUDICATA

1. “Where the first writ petition was filed on the grounds of perceived bias and was dismissed as withdrawn, and the subject matter was also different, the principle of res judicata does not apply.”
2. When a claim is made that the ruling made in a previous case was made in collusive manner.
3. When a lease served as the basis for the previous lawsuit and title is the basis for the current lawsuit.

<sup>434</sup> (1982) 1 SCC 71.

<sup>435</sup> AIR 1961 SC 1457.

<sup>436</sup> Narayan Prabhu Venkateshwar v. Narayan Prabhu Krishna, (1997) 2 SCC 181.

<sup>437</sup> AIR 1961 SC 1457

<sup>438</sup> AIR 1960 SC 941.

<sup>439</sup> AIR 1965 SC 1153.

<sup>440</sup> (2018)16 SCC 228.



4. The last Special Leave Petition (SLP) was denied without a ruling or other formalities.
5. When a decision rendered by a court or tribunal cannot be used as *res judicata* in later proceedings because it lacks jurisdiction.

#### MEANING OF CONSTRUCTIVE RES JUDICATA

Constructive *res judicata* is embodied in Explanation IV, which stipulates that any matter that may have served as the basis for an attack or defence in a previous suit is regarded to have been a subject directly and significantly in issue in the current litigation. Accordingly, a topic that is constructively in dispute is one that both ought to have been attacked and could have been. The claim that has been made in this case and the claim that could have and ought to have been made are therefore identical. It is a contrived form of *res judicata*, which states that a party should not be allowed to raise the same defence against the same opponent in a later action involving the same problems if he might have done so in a procedure between them. This strategy was meant to quiet rabble-rousing litigants who may annoy and create issues for their opponent by continuously suing them with new defences or points. It is accurate, as stated by Somervell, L.J., to say that "*res judicata* covers issues or facts that are so obviously part of the litigation's subject matter and so obviously could have been agitated that it would be an abuse of the court's process to allow a new proceeding to be started in regard to them. This is on top of the matters the court is really requested to decide".<sup>441</sup>

#### EXCEPTION TO CONSTRUCTIVE RES JUDICATA

The use of the constructive *res judicata* rule to writ procedures is forbidden by Article 32 of the Constitution of India. Often, writ petitions are ineligible for the application of the Code of Civil Procedure's section on constructive *res judicata*, which is a special and artificial creation of *res judicata*. For writ petitions, only the general

principle of *res judicata* applies. When a legal matter was not expressly decided in a writ petition, it cannot be used as constructive *res judicata* in a subsequent litigation because it must be perceived to have been raised in the petition and determined against the party that lost those legal proceedings. Consequently, the Article 32, constitutional command to the Supreme Court cannot be undermined or overturned by this rule<sup>442</sup>.

#### CHALLENGES IN APPLICATION OF RES JUDICATA.

1. In *Changing legal Context*, as the law is dynamic, new legal doctrines may emerge, making *Res Judicata* less applicable in altered circumstances.
2. It can be difficult to determine whether the matter being decided in the second lawsuit is the same as the one that was decided in the first, which could result in inconsistent rulings from the courts.
3. With an evolving jurisprudence, *Res Judicata* may not always apply since courts' interpretations of the law change over time, making it difficult to define what is a "final decision."
4. In case of PILs which frequently involve larger public interests rather than private issues, they pose distinct difficulties to *Res Judicata*. The notion has occasionally been loosened by courts to permit re-examining matters that are vital to the general good.
5. In case of multiplicity of proceedings, applying *Res Judicata* to cases involving various jurisdictions can be difficult, especially when the courts in those regions have different procedural rules or interpretations of the law.

#### CONCLUSION

In the foundation of the Indian legal system, the theory of *Res Judicata* is essential to guaranteeing the finality of court rulings and avoiding the retrial of cases that have previously been resolved by learned judges. *Res Judicata*, which is ingrained in past legal

<sup>441</sup> Solil Paul and Anupam Srivastava, Mulla *The Code of Civil Procedure* 306 (Butterworths India, New Delhi, 2011).

<sup>442</sup> (1979) 20 Guj LR 90.

traditions and codified in Section 11 of the *Code of Civil Procedure, 1908*, seeks to preserve judicial economy, impartiality, and efficiency. *Res Judicata* protects people from the hassle of having their case brought up repeatedly for the same reason by upholding the rule that once a court rules on a subject, the same parties cannot challenge it again. Additionally, it ensures that judicial resources are directed towards new and unsettled conflicts while upholding the dignity and authority of judicial decisions. Because of the doctrine's broad applicability in a variety of judicial and administrative venues, it also applies to decisions made by quasi-judicial bodies and tribunals. Further, through significant rulings, Indian courts have further developed the doctrine, addressing its complexities and exceptions, such as constructive *Res Judicata* and its applicability in cases involving the public interest. The theory continues to be essential for preserving the stability and integrity of the legal system in spite of obstacles like changing jurisprudence and inter-jurisdictional disputes. In conclusion, the theory of *Res Judicata* promotes judicial economy by reducing the amount of repetitious litigation, freeing up the courts to concentrate on new cases.



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