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# A Comprehensive Analysis of Applications and Implications of Res Judicata

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## ABSTRACT

*Roman law gave rise to Res Judicata, which is now a part of all legal systems worldwide. According to the res judicata doctrine, the parties are often prohibited from bringing up the same issue or claiming again in later proceedings once a definitive decision has been rendered. Res Judicata's origins can be attributed to the demand for judicial effectiveness and eliminating needless litigation. It acts as a key supporter of the legal system, encouraging the efficient use of judicial tools and hastening the settlement of legal issues. Res judicata offers certainty and predictability in case of outcomes while also assisting in avoiding the strain and expense of several judicial actions. This research paper aims to comprehensively analyze res judicata and its applications in the Indian legal system. It explores the origins of res judicata, its elements and requirements, and its significance in different legal jurisdictions. The paper also explores the exceptions and limitations to res judicata and analyses the potential challenges and criticisms associated with its application. Through an in-depth examination of case laws, this research paper contributes to a better understanding of the doctrine of res judicata and its implications for the administration of justice.*

**Keywords:** Prohibited, Rendered, Judicial effectiveness, hastening, predictability.

## I. INTRODUCTION

Res judicata is a Latin term meaning "a matter already judged.". It is a foundational principle in the Indian legal system crucial in achieving justice, efficiency, and finality in resolving legal disputes<sup>2</sup>. According to this rule, the same parties are often prohibited from raising the same arguments in subsequent procedures once a final judgment has been delivered on a specific subject. A cornerstone of the legal system, res judicata works to advance the judicial economy, clarity, and fairness of the legal system.

The importance of res judicata resides in its capacity to uphold the fairness of the legal system. Parties are prevented from re-litigating matters that have already been settled, guaranteeing that

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<sup>2</sup> David P Currie, "Res Judicata: The Neglected Defense", 45(2) Jstor, The University of Chicago Law Review, pp 317-350 (1978), Doi: <https://doi.org/10.2307/1599167>

the decision stays final and binding once a subject has been decided definitively. Fairness, consistency, stability, and public faith in the rule of law are all aided by this<sup>3</sup>. Res judicata also prevents "forum shopping," in which parties file cases in several courts or jurisdictions in an effort to obtain favorable outcomes. By encouraging parties to state their claims and defenses fully and carefully during the initial litigation, it prevents inconsistent verdicts and improves the effectiveness of the judicial system.

### **(A) Origin and foundations**

Roman law is where the idea of "res judicata" first appeared to avoid repetitious litigation and guarantee the stability of court rulings. It established a legal barrier against additional litigation on the same subject between the same parties once a verdict was declared final. Res Judicata's theoretical underpinnings are based on ideas that have persisted throughout the development of the law. These include the concepts of judicial economy, finality, party autonomy, and stare decisis.<sup>4</sup> By preserving court resources and avoiding spending time and effort on recurring litigation, res judicata aims to advance judicial efficiency. In order to provide clarity and predictability in the legal system, it also highlights the necessity of resolution in legal conflicts. Res judicata maintains the idea of party liberty by mandating that parties diligently and state entirely their claims and defenses during the initial lawsuit. It enables parties to successfully exercise their autonomy by immediately presenting the court with all pertinent claims and concerns. Furthermore, by encouraging reliance on prior decisions and developing a coherent body of law, res judicata supports the notion of stare decisis. It avoids contradictory rulings on the same questions or claims, promoting legal clarity and upholding the rule of law.

## **II. ELEMENTS AND APPLICABILITY OF RES JUDICATA**

The common law Res Judicata theory was incorporated into Indian law under section 11 of the Civil Procedure Code of 1908<sup>5</sup>. After the Civil Procedure Code, Administrative Law recognized the Res Judicata's application. After that, additional legislation and acts recognized it, and the idea of res judicata began to spread across the Indian Legal System.

Section 11 of the Civil Procedure Code defines the Res Judicata doctrine. According to the Res Judicata concept, the case has already been decided. This means no court will have the authority to hear a new case or issue already resolved in a prior case involving the same parties.

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<sup>3</sup> Edward W Clearly, "*Res Judicata Re-examined*", 57(3) Jstor, The Yale Law Journal, pp:339-350 (1948), Doi: <https://doi.org/10.2307/793232>

<sup>4</sup> Saji Koduvath, "Res Judicata and Constructive Res Judicata", Indian Live Law, (April 17<sup>th</sup>, 2021) retrieved from: <https://indianlawlive.net/2021/04/17/constructive-res-judicata-and-finding-but-no-res-judicata/>

<sup>5</sup> Civil Procedure Code, § 11, I, Act of Parliament, 1908 (India).

Additionally, the court will not hear cases or disputes between parties if the same parties are currently being heard on the same topic by another court with the appropriate jurisdiction<sup>6</sup>. The court can stop the case by issuing a judgment of Res Judicata if it discovers any lawsuits or matters that the court has already settled and no appeal is pending before any court. This theory is founded on the tenet that no one can reopen a case previously determined by the appropriate court through a new lawsuit. It also establishes the finality of verdicts on the issues determined in every subsequent lawsuit between the parties<sup>7</sup>. The court will use the Res Judicata concept, where the same problems were directly and significantly engaged between the same parties in the prior and current lawsuits.

The essentials conditions for the court to grant Res Judicata under Sec.11 of the Civil Procedure Code of 1908 are as follows<sup>8</sup>:

1. There must be two or more suits filed over which one has been previously decided while the other is pending before the court
2. The parties to the first lawsuit and any later litigation, or the parties under which they or any of them assert a claim, should be the same.
3. The subject matter of the follow-up lawsuit must be the same as the prior lawsuit or linked to it, either directly or indirectly.
4. The previous case must have been decided by a competent court under competent jurisdiction
5. The parties in the prior and subsequent suits must have litigated under the same title. The subject matter of the subsequent litigation must be the same as or linked to the former suit.

**(A) The same issue is the substantial issue**

According to the way Section 11, the issue must have been materially raised in a prior lawsuit. However, determining whether a claim in the earlier lawsuit is significant or ancillary may be challenging. In the case of *Vasudevanand Saraswati v Jagat Guru Shankaracharya*<sup>9</sup>, The, the court held that “The Doctrine of Res Judicata” was authored by “Spencer Bower and Turner” to understand the distinction. It held that one has to inquire whether the determination upon which it is sought to find estoppel so fundamental to the substantive decision that the latter

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<sup>6</sup> Simon Beckwith, “*Res Judicata and Foreign Judgements*”, 43(1), *The international and Comparative Law*, pp:185-193, Jstor (1994).

<sup>7</sup> Satyadhyan Ghosal v. Deorajin Devi, AIR 1960 SC 941

<sup>8</sup> Syed Mohd. Salie Labbai (dead) by L.Rs v. Mohd. Hanifa, (1976) 4 SCC 780

<sup>9</sup> Vasudevanand Saraswati v Jagat Guru Shankaracharya,

cannot stand without the former. Moreover, this inquiry has to pass another test, i.e., whether the determination is the “immediate foundation” of the decision instead of merely “a proposition collateral or subsidiary only.” Similarly, in the case of *Ragho Prasad Gupta v Krishna Poddar*<sup>10</sup>, The supreme Court observed that a single statement of opinion on a subject unrelated to the issue at hand could not serve as Res Judicata.

### **(B) Res judicata between co-plaintiffs and co-defendants**

The conditions that exist for obtaining a decision under Res Judicata for both the Co-plaintiff and the Co-defendants are the same<sup>11</sup>. They are as follows:

1. The defendants in question must have a conflict of interest.
2. To give the plaintiff the relief he requests, it must be necessary to resolve the conflict.
3. The co-defendants must be essential or appropriate defendants in the case.
4. They must have reached a consensus on the issue between the defendant.

### **(C) The doctrine of res judicata and writ proceedings**

The provision for filing a writ has been defined under the provisions of Art.32<sup>12</sup> and Art.226<sup>13</sup> of the Indian Constitution. The supreme court has the jurisdiction to issue writs under the provision of Art.32, whereas the High courts have their jurisdiction under Art.226 of the Indian Constitution. Studying Section 141 of the Civil Procedure Code, 1908's explanations would reveal that Section 11 only applies to procedures brought under Article 226 of the Constitution<sup>14</sup>. However, where Section 11 of the Code is not applicable, the theory or principle of Res Judicata might be used in the writ procedures<sup>15</sup>. In the case of *State of Gujarat v. Bhaterv Devi Ramniwas Sanwalram*<sup>16</sup>, the court held that a future appeal cannot reopen a question that a Writ Petition has resolved.

The idea of Res Judicata is often used in Writ proceedings, but there is one exception to this rule: a Res Judicata defense cannot violate a citizen's basic rights<sup>17</sup>. The court may apply the Res Judicata principle in the writ petition, but the court must first pass a spoken order<sup>18</sup>. When

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<sup>10</sup> *Ragho Prasad Gupta v Krishna Poddar*, AIR 1969 SC 316

<sup>11</sup> M.W.K, “*Res Judicata: The requirements of Identity of Parties*”, 91(5), University of Pennsylvania Law Review and American Law Register, pp:467-472, Jstor (Jan 1943) DOI: <https://doi.org/10.2307/3309225>

<sup>12</sup> INDIA CONSTI. art. 32.

<sup>13</sup> INDIA CONSTI. art.226

<sup>14</sup> Yogendra Singh, “*Principles of Res Judicata and Writ proceedings*”, 16(3), Journal of Indian Law Institute, pp:339-414, Jstor (September 1974).

<sup>15</sup> *Amalgamated Coalfields v. Janapada Sabha*, AIR 1964 SC. 1013

<sup>16</sup> *State of Gujarat v. Bhaterv Devi Ramniwas Sanwalram*, (2002) 7 SCC 500

<sup>17</sup> *Ashok Kumar Srivastava v. National Insurance Company Ltd*, (1998) 4 SCC

<sup>18</sup> *Rabindra Nath Biswas v. General manager, N.F. Rly*, AIR 1988 Pat 138.

using the res judicata doctrine, the court must provide sound justification. The theory of constructive Res Judicata would not apply to the writ of habeas corpus. A later petition under Article 32 cannot be barred by the dismissal of the petition as withdrawn since the Court has not decided on the merits in that situation<sup>19</sup>.

### **III. EXCEPTIONS AND LIMITATIONS TO RES JUDICATA**

There are certain exceptions to be considered by the court while hearing a case where Res Judicata is applicable. They are as follows:

1. Obtained by Fraud:

If the court has to decide if a matter falls under the ambit of Res Judicata, the court must look at the previous judgment and ensure that it wasn't obtained by fraud, as this would give grounds for the court to provide an observation of the non-applicability of res judicata in such instances.

2. Different Subject Matter:

If the court confronts a case where it comes to the finding that the subject matter over which the dispute arose is new from the subsequent suits filed and decided. Sec.11 will thus not apply when the cause of action differs from the subsequent suits. Such a suit which is different from a subsequent suit, cannot be barred by any court<sup>20</sup>.

3. Interlocutory Order:

The temporary order, decree, or sentence the court has issued is an interlocutory order. When an interlocutory order is made on the prior lawsuit, the Res Judicata principle will not be applied. Because there is no finality to the judgment and the parties receive immediate relief under an interlocutory order, this is the case.

4. Waiver of Res Judicata:

A decree of Res Judicata is a defense that the party must forego in court. The action would be determined against a party if res judicata was not argued in his favor. It is the responsibility of the opposing party to inform the court of the decision about an issue from a prior lawsuit. The issue is determined against the failing party if they don't comply.

5. Competent Courts:

If the court is addressed with a case, where the same subject matter exists between the same parties over the same title, which has been decided by a court not of competent jurisdiction,

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<sup>19</sup> Daryao v. The State of U.P. AIR 1961 SC 1457

<sup>20</sup> Alka Gupta v. Narender Kumar Gupta, (2010) 10 SCC 141.

then the decree passed by that subsequent court will become irregular. The res judicata doctrine did not apply to a subsequent lawsuit when a court decided the previous suit without jurisdiction over the matter.

#### 6. Change of Law:

When there is a change in the law, new rights and duties are to be given to the parties involved, and at such an instance, the principle of Res Judicata cannot be applied.

#### **(A) Res judicata and duties of the court**

When a case is listed to a third court after the failure of the second court fails to invoke res judicata and renders a conflicting ruling on the same issue, the third court will invoke res judicata based on the judgment rendered in the first case. Therefore, it is the obligation and responsibility of the parties to the lawsuit to bring the earlier case to the court's attention. The judge will then decide whether or not to accept the plea of Res judicata.

### **IV. LOOPHOLES OF RES JUDICATA**

Res judicata is not applicable when applied in the form of an appeal. It comes into play when a competent court has rendered a final judgment, preventing the re-litigation of the same issues or claims in subsequent proceedings<sup>21</sup>. During the appeal process, the higher court reviews the decision of the lower court to determine if any errors were made in applying the law or in the procedures followed. The purpose of an appeal is to seek a review of the lower court's decision, and if successful, the higher court may modify, reverse, or remand the case for further proceedings. While an appeal is pending, the case is not considered to have reached finality, and res judicata does not come into effect. Parties can present arguments and evidence to challenge the lower court's decision, and the higher court's judgment can supersede or modify the previous decision. It is also important to note that there are specific rules and procedures regarding appeals, and the application of res judicata can vary across jurisdictions.

The rule of res judicata, aimed at promoting finality in legal proceedings, restricts the process of delivering justice by preventing the re-litigation of matters already decided by a competent court. While intended to ensure certainty, this doctrine may limit the consideration of new evidence, challenges based on lack of jurisdiction or violation of natural justice, and instances of fraud or collusion. Its application, although serving a valuable purpose, imposes restrictions on the ability to seek justice in certain circumstances.

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<sup>21</sup> T.N Pant, "The Doctrine of 'Res Judicata' Import in Constitutional Law", 25(3), Indian Political Science Conference, pp:313-319 Jstor(September 1964).

In rare instances, the rule of *res judicata* may be applied to judgments that are contrary to the law. This application, despite being exceptional, restricts the ability to challenge erroneous decisions and seek justice. It can create a situation where legally incorrect judgments become final and binding, contradicting the principle of upholding the law. This limited application of *res judicata* can lead to potential injustice and undermines the pursuit of justice in cases where legal errors have occurred.

Limited exceptions exist to the doctrine of *res judicata*, allowing for the re-litigation of matters already decided. These exceptions include lack of jurisdiction, fraud, collusion, violation of natural justice, new evidence, and incorrect application of the law.

Cases decided on the plea of *res judicata*, which aims to prevent re-litigation, can be re-litigated under specific circumstances. This occurs when there are exceptions to the doctrine, such as lack of jurisdiction, fraud, collusion, violation of natural justice, new evidence, or incorrect application of the law. If any of these exceptions are established, it opens the possibility for the re-opening and re-adjudication of a previously decided case. This ensures that justice can still be sought through re-litigation if the original judgment was obtained unfairly, erroneously, or in violation of legal principles.

## V. CONCLUSION

In the words of Justice K. Ramasamy, while hearing the case of *Sushil Kumar Mehta v Gobind Ram Bohra*<sup>22</sup> held that “the principle of *res judicata* cannot be fit into the pigeonhole of ‘mixed question of law and facts’ in every case. Rather, the plea of *res judicata* would be a question of law or fact or a mixed question of both depending on the issue claimed to have been previously decided.”

In conclusion, *res Judicata*’s significance lies in its promotion of Justice efficiency finality, fairness, consistency and public trust in the legal system. It serves as a crucial principle in preventing repetitive litigation and ensuring that once a matter has been adjudicated, parties can rely on the binding nature of the court’s decision. The proper relationship between the doctrine of “technical” *res judicata* or its counterparts, the election of remedies, and the procedural opportunities to settle an entire controversy in one trial is not easy to determine. Advocates argue that the one trial under fusion does not alter the party’s legal rights. However, it found that procedure under this code of pleading only sometimes completely approximate practice where there has yet to be a fusion of law and equity. The ultimate question is whether the loss,

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<sup>22</sup> *Sushil Kumar Mehta v Gobind Ram Bohra*, (1990) 7 SCC 484.



in terms of the rationale of res judicata, justifies preventing them from proceedings in separate trials.

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