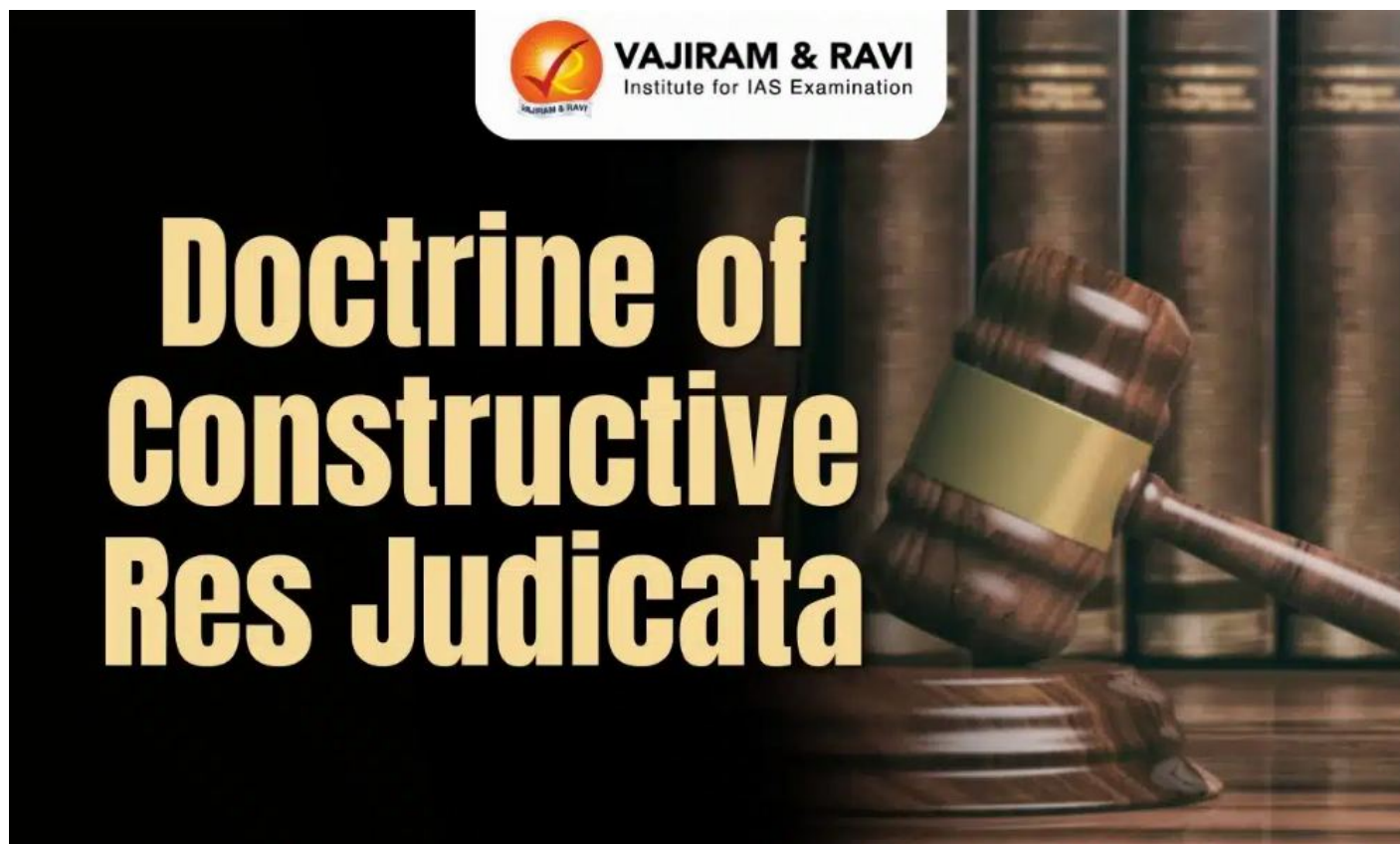


Doctrine of Constructive Res Judicata

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Doctrine of Constructive Res Judicata Latest News

The Supreme Court recently reiterated that the doctrine of constructive res judicata, embodied in Explanation IV to Section 11 of the Code of Civil Procedure, is aimed at preventing parties from litigating in installments and ensuring finality in judicial proceedings.

About Doctrine of Constructive Res Judicata

- The **concept of res judicata** has evolved from the **English Common Law System**.
 - **Res judicata** literally means **‘the thing has been judged’**. It is also known as **claim preclusion**.
 - The principle of res judicata **applies when a litigant attempts to file a subsequent lawsuit on the same matter after having received a judgment** in a previous case involving the same parties.
 - It means that the **issue before the court has already been decided by another court**, between the same parties, and the **courts do not allow a petition to be filed** in the same court or in

another court.

- Therefore, the **court will dismiss the case** before it as being useless.
- Res Judicata as a concept is **applicable both in Civil as well as Criminal legal system**.
- Res judicata under Indian law has been embodied under **Section 11 of the CPC (Code of Civil Procedure), 1908**.
- **Constructive Res Judicata is an extension** of the principle of Res Judicata.
- It **applies to matters** that **could have been raised in a previous suit but were not**.
- This doctrine **prevents a party from bringing a second suit on issues arising from the same set of facts, provided the party had a fair opportunity to raise the new issue in the first suit**.
- The principle finds its origin in Order II Rule 2 read with **Section 11 of the CPC**, specifically **Explanation IV of Section 11**.
- Explanation IV provides that “any matter which might or ought to have been made ground of defence or attack in a former suit shall be deemed to have been a matter directly and substantially in issue in such suit”.
- Certain **conditions must be met** to invoke the principle of constructive res judicata:
 - Firstly, the **parties** involved in both proceedings **must be the same**.
 - Secondly, the **subject matter** of the subsequent proceeding should be **identical to that of the earlier proceeding**.
 - Thirdly, the **issue raised** in the subsequent proceeding should have been directly and **substantially in issue in the earlier proceeding**.
 - Lastly, the **earlier proceeding** must have **resulted in a final decision** on the merits.
- This doctrine aims to promote judicial efficiency and fairness by **ensuring that all relevant issues are addressed at the appropriate time**, thereby **avoiding repetitive litigation** over the same matters.

News: **LL**

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