

What is the doctrine of res judicata?

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About Principle of 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 is a judicial concept, which 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**.
- **Purpose:**
 - To **prevent injustice** to the parties of a case supposedly finished.
 - To **avoid unnecessary waste of resources and time** of the judicial system.
- Res judicata **under Indian law** has been **embodied under Section 11 of the CPC** (Code of Civil Procedure), 1908. It illustrates that if a matter is finally decided by a competent court, then the parties involved in the matter are not permitted to reopen it in subsequent litigation.
- **Some of the conditions** for the application of Res Judicata **include the same parties, the same title** as the former suit, **issue in the matter is same in former and subsequent suits**, the **suit is decided by a**

competent court, and a **final decision is provided**.

- The Supreme Court in **Employee Welfare Association v. Union of India** ruled that the “principle of Res Judicata is **not a technical rule**, it is a **rule of public policy**”. So, Res Judicata is an acknowledged principle of law and is essential for delivering fair justice.
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Q1: What is the Code of Civil Procedure, 1908 (CPC)?

The Code of Civil Procedure, 1908 is a procedural law related to the administration of civil proceedings in India. The Code is divided into two parts: the first part contains 158 sections and the second part contains the First Schedule, which has 51 Orders and Rules.

Source: Principle Of Res Judicata May Not Strictly Apply When Public Interest At Stake: Supreme Court

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