

What is Henderson Doctrine?

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About Henderson Doctrine:

- Propounded in the English case of Henderson versus Henderson, 1843, the doctrine suggests that **all the issues arising in the litigation out of the same subject matter must be addressed in a single suit.**
- The doctrine **bars relitigating issues that could or should have been raised in prior proceedings.**
- It held that **where a given matter becomes the subject of litigation** and the adjudication of a court of competent jurisdiction, the **parties so litigating are required to bring forward their whole case.**
- It was further held that the **principle of res judicata applies not only to points upon which the Court was called upon by the parties to adjudicate** and pronounce a judgement **but to every possible or probable point or issue that properly belonged to the subject of litigation** and **the parties ought to have brought forward at the time.**
- It **ensures that litigants are not subjected to repetitive and vexatious legal challenges.**
- At its core, the principle stipulates that **all claims and issues that could and should have been raised in an earlier proceeding are barred from being raised in subsequent litigation,** except in exceptional

circumstances.

What is the Principle of res judicata?

- 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**.
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Q1: What is Judicial Activism?

Judicial activism refers to the idea that judges should actively interpret and shape the law rather than simply applying it as it is written.

News: Supreme Court Explains ‘Henderson Doctrine’ : Re-Litigation of Issues That Could Have Been Raised Earlier Is Barred

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