

RES JUDICATA

(SECTION 11

CPC, 1908)

Prepared by :

ADV Usha Vats & ADV Mamoj Parashar

Res Judicata (Section 11 CPC, 1908)

Meaning

- *Res Judicata* literally means “**a matter already judged.**”
 - It prevents the same dispute (same parties, same subject matter) from being re-litigated once it has been finally decided by a competent court.
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Essential Ingredients (Section 11, CPC)

1. **Matter directly and substantially in issue** – Must have been in issue in the former suit.
 2. **Same parties** – Both suits must involve the same parties (or their representatives).
 3. **Same title** – Parties must have litigated under the same title (capacity, right, or interest).
 4. **Competent Court** – The former court must have been competent to try the subsequent suit.
 5. **Final decision** – The matter must have been heard and finally decided.
 6. **Directly and substantially** – The issue must not be merely *collateral* or *incidental*.
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Illustration

- If A sues B for ownership of land and loses, A cannot bring another suit against B claiming the same land again under the same title.
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Doctrinal Basis

- Based on two maxims:
 - *Nemo debet bis vexari pro una et eadem causa* → No one should be vexed twice for the same cause.
 - *Interest reipublicae ut sit finis litium* → It is in public interest that litigation must come to an end.
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Leading Case Laws

Case	Principle Laid Down	Citation
Daryao v. State of U.P.	SC held Res Judicata applies to writ petitions under Articles 32 and 226 also.	AIR 1961 SC 1457
Satyadhyan Ghosal v. Deorajin Debi	Concept applies between two stages of the same proceedings as well.	AIR 1960 SC 941
Sheoparsan Singh v. Ramanandan Prasad	Laid down that Res Judicata is a rule of universal law based on public policy.	(1916) 43 IA 91
Hope Plantations Ltd. v. Taluk Land Board	Explained distinction between Res Judicata and <i>Issue Estoppel</i> .	(1999) 5 SCC 590
Forward Construction Co. v. Prabhat Mandal	Constructive Res Judicata: if a matter <i>ought to have been raised</i> in earlier suit but was not, it is deemed decided.	(1986) 1 SCC 100

Types of Res Judicata

1. **Direct Res Judicata** – Issue already decided cannot be reopened.
2. **Constructive Res Judicata** – Issues that *could have been raised* but were not, will be deemed to have been decided.
3. **Res Judicata between co-defendants / co-plaintiffs** – If necessary to decide inter se rights.
4. **Res Judicata in execution proceedings** – Applies even to execution matters.

Exceptions

- Fraud or collusion in obtaining judgment.
 - Lack of jurisdiction in previous court.
 - Violation of fundamental rights (limited exceptions under writ jurisdiction).
 - Change in law or fact situation.
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Comparison Table

Aspect	Res Judicata	Constructive Res Judicata	Estoppel
Meaning	A matter already adjudicated by a competent court cannot be re-litigated between the same parties.	A matter that <i>could and ought to have been raised</i> in the earlier proceedings but was not, will be deemed to have been decided.	A person who by words or conduct induces another to believe something, cannot later deny the truth of that statement.
Source of Law	Section 11 CPC, 1908	Explanation IV of Section 11 CPC	Section 115, Indian Evidence Act, 1872
Basis	Public policy: litigation must come to an end.	Prevents multiplicity of litigation by constructive inclusion of omitted issues.	Equity: one cannot “blow hot and cold” at the same time.
Parties Involved	Same parties (or their privies) in both suits.	Same parties, but relates to issues that were available in the earlier suit.	Between any two parties (not necessarily same as in litigation) where reliance is placed.
Essentials	- Matter directly & substantially in issue. - Same parties & title. - Decided by a competent court. - Final decision.	- Issue could have been raised in earlier suit. - Was necessary for relief. - If not raised, deemed decided.	- Representation by one party. - Reliance by the other party. - Change of position based on reliance.
Example	A sues B for property ownership and loses. He cannot sue again for the same property.	A sues B for possession of land but does not raise the claim of mesne profits (though available). He cannot file a fresh suit later for mesne profits.	If A tells B that land belongs to C, and B purchases from C, A cannot later deny C’s ownership.

Aspect	Res Judicata	Constructive Res Judicata	Estoppel
Leading Cases	- <i>Daryao v. State of U.P.</i> (AIR 1961 SC 1457) - <i>Satyadhyan Ghosal v. Deorajin Debi</i> (AIR 1960 SC 941)	- <i>Forward Construction Co. v. Prabhat Mandal</i> (1986) 1 SCC 100	- <i>B.L. Sreedhar v. K.M. Munireddy</i> (2003) 2 SCC 355
Purpose	Finality of litigation.	Prevent piecemeal litigation by deeming unraised issues as decided.	Prevent a party from going back on earlier conduct or representation.
Nature	Procedural bar.	Deemed decision by fiction of law.	Rule of equity and evidence.
