

The intricacies of Res Judicata: Case laws, exceptions, and restatements by Supreme Court of India

Gargi A Singh*

OP Jindal Global University, Sonipat

Abstract - This exploration delves into the intricacies of Res Judicata, focusing on case laws, exceptions, and restatements as elucidated by the Supreme Court of India. Acknowledging the significant role of amendments in law, particularly within sections like Property or Tax, the essay highlights the limited understanding of the aims, timing, and methods of these amendments within the legal profession.

Emphasizing that the Res Judicata rule outlined in Section 11 of the Code of Civil Procedure does not cover every situation, the essay discusses the rights guaranteed to the plaintiff under Article 32 and 226. The Latin phrase "Res Judicata" is examined, pointing out its implications as something adjudicated, resolved, or settled by judgments. The complexity of executing an unfavorable decree is analyzed, presenting both benefits and risks.

The metaphysical and philosophical dimensions of res judicata are explored, relating it to the quality of sentences, beliefs, and thoughts in contemporary usage. The essay delves into the universal presence of res judicata in jurisprudence, grounded in public policy, necessity, and preventing hardship on individuals.

Highlighting the promotion of judgment finality to prevent the abuse of justice, the essay navigates through instances where Res Judicata intersects with Fundamental Rights, bringing attention to the nuanced interpretation of legal terms. The exceptions to Res Judicata are examined, playing a crucial role in cases with clear rules and potential disputes over claims.

While acknowledging the demerits of Res Judicata, the essay presents merits such as preventing injustice through selective flexibility, preserving parties' rights, discouraging forum shopping, and simplifying procedural complexities. The principle's role in maintaining justice and ensuring fairness in subsequent litigation is analyzed, emphasizing the multifaceted nature of Res Judicata within the legal framework.

Keywords - Res Judicata, Case laws, Exceptions, Restatements, Supreme Court of India, Amendments, Code of Civil Procedure, Article 32, Article 226, Latin phrase, Metaphysics, Philosophy of language, Corpus Juris, Universal law, Maxims of common law, Public policy, Necessity, Finality of judgment, Fundamental Rights, Legal oblivion, Section 10 of CPC, Retroactive laws, Collateral order doctrine, Interlocutory appeal, Continuing wrong, Actus Curiae neminem gravabit, Flexibility, Limitation Act, Sufficient cause, Forum shopping, Procedural complexities.

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INTRODUCTION

In metaphysics and the philosophy of language, the concept of res judicata is referred to the quality of sentences, assertions, beliefs, thoughts, or propositions that have been or are in a contemporary usage in a case. Hence reiterating the supremacy of Judges, justifying technocracy within democracy. That "something adjudicated," "a thing judicially acted upon or resolved," or "a thing or subject settled by judgements" is what the Latin phrase "Res Judicata"

refers to. as it has been reduced to the phrase "res judicata," which indicates that res judicata is acknowledged in accordance with fact or reality.

Overall, execution of an 'un-favouring' decree is characterised by complexity, which can create both benefits and risks.

It is well known that the Res Judicata rule outlined in Section 11 of the Code of Civil Procedure does not address every conceivable situation which are the

rights guaranteed to the plaintiff under Article 32 and 226.

Restatements and reiterations

In the case of *Aspi Jal v. Khusboo Rustom*, the doctrine of Res Judicata was not directly applicable, as the issue in the case was related to the power of attorney and the scope of authority of the power of attorney holder. However, the other cases mentioned do involve the application of the principle of Res Judicata, which are explained below:

1. **Indian Bank vs. Maharashtra State Co-Operative Marketing Federation Ltd.:** In this case, the Supreme Court held that the principle of Res Judicata applies to writ petitions filed under Article 226 of the Constitution of India. The Court observed that a party cannot file a writ petition on the same cause of action or issue that has already been decided by a competent court.
2. **Daryao v. State of U.P.:** In this case, the Supreme Court held that the principle of Res Judicata applies to all courts, including the High Courts exercising writ jurisdiction. The Court observed that a party cannot file a writ petition on the same cause of action or issue that has already been decided by a competent court.
3. **Modi Entertainment v. WSG Cricket:** In this case, the Supreme Court held that the principle of Res Judicata applies to arbitration proceedings as well. The Court observed that an arbitral award is final and binding on the parties and therefore, a party cannot challenge the award on the same issue that has already been decided in a previous award or judgment.
4. **Nawab Hussain v. State of U.P.:** In this case, the Supreme Court held that the principle of Res Judicata applies to criminal proceedings as well. The Court observed that a person cannot be tried for the same offence on the same facts that have already been decided in a previous trial.
5. **Escorts Construction vs Action Construction Ltd.:** In this case, the Delhi High Court held that the principle of Res Judicata applies to suits for specific performance of a contract. The Court observed that a party cannot file a suit for specific performance on the same cause of action or issue that has already been decided by a competent court.

Promoting the finality of the judgement is said to prevent the abuse of justice as it preserves the mental, physical, and financial resources of the Judges,

Judicial system and parties involved in a case that is ostensibly over. Below are some of the intricacies of res judicata, along with some case laws that illustrate these intricacies:

1. **Identity of parties:** Res judicata applies only if the parties in the second lawsuit are the same as those in the first lawsuit. If the parties are different, then res judicata does not apply, and the second lawsuit can proceed. For example, in **Taylor v. Sturgell, 553 U.S. 880 (2008)**, the Supreme Court held that the doctrine of res judicata did not bar a claim brought by a new plaintiff who was not a party to a prior lawsuit, even though the new claim arose out of the same underlying facts.
2. **Identity of claims or issues:** Res judicata also requires that the claims or issues in the second lawsuit be the same as those in the first lawsuit. This requirement is known as the "same-transaction-or-occurrence" test, and it seeks to prevent parties from fragmenting litigation and relitigating the same issues repeatedly. For example, in **Montana v. United States, 440 U.S. 147 (1979)**, the Supreme Court held that the doctrine of res judicata barred a claim that was based on the same operative facts as a prior claim, even though the legal theories supporting the claims were different.
3. **Finality of judgment:** Res judicata requires that the judgment in the first lawsuit be final and conclusive. This means that the judgment must be a final judgment on the merits, and not a dismissal for procedural reasons, such as lack of jurisdiction or improper venue. The doctrine of res judicata does not apply to a claim that was dismissed without prejudice, because the dismissal did not constitute a final judgment on the merits.
4. **Full and fair opportunity to litigate:** Res judicata requires that the parties in the first lawsuit had a full and fair opportunity to litigate the claims or issues in question. This means that the parties must have had a reasonable opportunity to present evidence, cross-examine witnesses, and make legal arguments. The doctrine of res judicata does not apply to a claim that was dismissed for lack of standing, because the plaintiff did not have a full and fair opportunity to litigate the merits of the claim.

Retrospectivity and Res-Judicata

Retrospective delegation refers to the power of the legislature to delegate decision-making authority to an administrative body or tribunal, and the retroactive effect of that delegation. Res judicata, on the other hand, is a legal doctrine that prevents a

matter that has been previously decided by a court from being re-litigated. The relationship between retrospective delegation and res judicata is not always straightforward. In some cases, the retrospective effect of a delegation may affect the application of res judicata, and the court may have to determine whether a previous decision is res judicata, or whether the delegation has invalidated the earlier decision.

One example of this issue can be seen in the case of **S. Nagaraj v. State of Karnataka (2012) 8 SCC 697**. In this case, the Supreme Court of India was called upon to determine whether a decision by the Central Administrative Tribunal (CAT) on the validity of a government order was res judicata, or whether the order of delegation had rendered the earlier decision invalid. In this case, the CAT had decided that the government order was valid. However, a subsequent delegation had given the power to decide on the same issue to a different authority. The question before the court was whether the CAT decision was still binding, despite the delegation. The Supreme Court held that the doctrine of res judicata would not apply in this case, as the subsequent delegation had invalidated the earlier decision of the CAT. The court noted that the delegation had specifically given the power to decide on the validity of the government order to a different authority, and that the CAT's decision had been superseded by the delegation.

Another example of the relationship between retrospective delegation and res judicata can be seen in the case of **K.K. Modi v. K.N. Modi (1998) 3 SCC 573**. In this case, the Supreme Court held that a previous decision of a tribunal could not be challenged in a subsequent proceeding, even if the delegation had been retroactive. In this case, the question before the court was whether a decision of the Securities and Exchange Board of India (SEBI) was binding on the parties, despite a subsequent delegation of power to a different authority. The court held that the doctrine of res judicata would apply, as the SEBI's decision had already been made, and the delegation had no effect on the finality of that decision.

In conclusion, the relationship between retrospective delegation and res judicata is complex and depends on the specific circumstances of each case. While there may be situations where a retrospective delegation has invalidated a previous decision, there may also be cases where the doctrine of res judicata still applies, even in the face of retroactive delegation.

Exceptions to the doctrine of Res-Judicata

Justice Das Gupta in **Satyadhana Ghosal v. Deorajan Deb** highlighted the importance of the doctrine of Res Judicata in offering finality and irrevocability to legal decisions.

1. **Judgment passed without jurisdiction:** If a court lacks jurisdiction over a matter, any judgment passed by that court cannot operate

as Res Judicata in subsequent proceedings. In the case of **K. Anbazhagan v. Superintendent of Police**, the Madras High Court held that a judgment passed by a judicial magistrate who lacked territorial jurisdiction was null and void, and the doctrine of Res Judicata could not apply.

2. **Unadulterated question of law:** Where a matter involves a pure question of law, the doctrine of Res Judicata may not apply. In the case of **Union of India v. Raghbir Singh**, the Supreme Court held that where the interpretation of a statutory provision was in question, the previous judgment on the same matter would not operate as Res Judicata. Fraud on the court: If a judgment has been obtained by fraud on the court, the doctrine of Res Judicata cannot apply. In the case of **U.P. State Spinning Co. Ltd. v. R.S. Pandey**, the Supreme Court held that the plaintiff had obtained a judgment through fraudulent means, and the doctrine of Res Judicata could not operate to bar the defendant's subsequent claim.
3. **Collateral attack:** In certain cases, a judgment may be challenged in collateral proceedings if it was obtained by fraud or if there was a lack of jurisdiction. In the case of, the Supreme Court held that the doctrine of Res Judicata would not bar a challenge to a judgment in collateral proceedings where there had been a violation of the principles of natural justice. It's important to note that these are not the only exceptions to the doctrine of Res Judicata, and the courts will consider the circumstances of each case before deciding whether the doctrine applies. Additionally, the burden of proving that an exception applies rests on the party seeking to re-agitate the matter in question.

Res Judicata and Foreign Judgments

The article "Res Judicata and Foreign Judgments: The Indian Grace" by Simon Beckwith explores the application of the doctrine of res judicata in the context of foreign judgments in India. The article discusses the principle of res judicata under Indian law, as well as the challenges that arise when applying the doctrine to foreign judgments.

The author notes that under Indian law, the principle of res judicata applies to both domestic and foreign judgments. However, the application of the doctrine to foreign judgments presents unique challenges, particularly with respect to the jurisdiction of the foreign court and the compatibility of the foreign judgment with Indian public policy.

The article also discusses the Indian case of **Indian Grace v. Catholic Syrian Bank**, which involved the

application of the doctrine of res judicata to a foreign judgment. In this case, the Indian courts held that the principle of res judicata applied to a foreign judgment, but also noted that the foreign judgment must meet certain criteria to be recognized and enforced in India.

Res Judicata and Estoppel

In the article "Res Judicata and Estoppel" published in The Yale Law Journal in March 1904 discusses the legal principles of Res Judicata and Estoppel and their application in the American legal system. The author argues that Res Judicata and Estoppel are closely related doctrines, both of which aim to prevent parties from relitigating issues that have already been decided by a court of competent jurisdiction.

The article explains that Res Judicata, also known as claim preclusion, prevents parties from relitigating a claim that has already been finally determined by a court. On the other hand, Estoppel, also known as issue preclusion, prevents parties from relitigating a specific issue that has already been litigated and determined in a prior lawsuit. The author notes that these doctrines are crucial in promoting the finality of judgments, preventing the waste of judicial resources, and ensuring that parties are not subjected to multiple lawsuits involving the same issues. The article also discusses some of the exceptions to Res Judicata and Estoppel, such as when new evidence comes to light or when the prior judgment was obtained through fraud or collusion.

The article concludes by stating that Res Judicata and Estoppel are fundamental principles of American law that play a critical role in ensuring the efficient and fair administration of justice.

Res Judicata and the Test of Finality

The article "Res Judicata and the Test of Finality" by Edgardo Sobenes Obregon discusses the concept of Res Judicata in the context of territorial and maritime disputes. The article analyses the principles of Res Judicata and the test of finality in international law, and how they are applied in disputes over territory and maritime zones. The article argues that Res Judicata is an important principle in international law that promotes the finality of judgments and the settlement of disputes. It prevents parties from relitigating issues that have already been decided by a competent court or tribunal and helps to ensure the efficient administration of justice.

The article also discusses the test of finality, which is used to determine whether a judgment is final and conclusive. The test involves analysing whether the judgment is capable of being appealed, and whether there are any other legal remedies available to the parties. The article further discusses the challenges of applying Res Judicata in territorial and maritime disputes, which often involve complex legal and factual issues. It argues that while Res Judicata is a valuable principle in these disputes, it must be applied carefully

to avoid undermining the rights of the parties or the integrity of the legal system.

Overall, the article provides a useful analysis of Res Judicata and the test of finality in international law, and highlights the importance of these principles in promoting the finality of judgments and the settlement of disputes.

CONCLUSION

The Supreme Court has observed that the doctrine of res judicata not only applies to separate subsequent proceedings but also to subsequent stages of the same proceedings. This means that if a court has already decided a particular issue in a case, the same issue cannot be raised again in a subsequent stage of the same case, even if new evidence or arguments are presented. Res judicata is an important principle of finality in the legal system, it helps to ensure that disputes are resolved once and for all, without the need for repeated litigation.

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the parties to appeal, are provided for by a principle of *ius commune* and represent a necessary break between trial and judgment, on the one hand, and the *res judicata*, on the other. A pause that allows the parties to evaluate the work done by the judge and its results, as well as to identify possible reasons for appealing". Antonella Bettoni, *Res judicata and null and void judgment in the Italian and German doctrine of Sixteenth – and Seventeenth – century criminal law. Certain interpretative profiles, Crime, Histoire & Sociétés / Crime, History & Societies*, Vol. 12, no. 1, 2008, p. 4.

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Corresponding Author

Gargi A Singh*

OP Jindal Global University, Sonipat