Res Judicata meaning

Res means “subject matter” and judicata means “adjudged” or decided and together it means “a matter adjudged”.

In simpler words, the thing has been judged by the court, the issue before a court has already been decided by another court and between the same parties. Hence, the court will dismiss the case as it has been decided by another court. Res judicata applies to both civil and criminal legal systems. No suit which has been directly or indirectly tried in a former suit can be tried again.

Res Judicata example

‘A’ sued ‘B’ as he didn’t pay rent. ‘B’ pleaded for the lessening of rent on the ground as the area of the land was less than the mentioned on the lease. The Court found that the area was greater than shown in the lease. The area was excess and the principles of res judicata will not be applied.

In a case, ‘A’ new lawsuit was filed in which the defendants requested that the Court dismiss the lawsuit with a plea of res judicata. She was barred from bringing a claim of res judicata because her previous claim was dismissed for fraud. The Court said that the defence of res judicata must be proved by evidence.

Principle of Res Judicata

The principle of res judicata seeks to promote the fair administration of justice and honesty and to prevent the law from abuse. 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. In many jurisdictions, this applies not only to the specific claims made in the first case but also to claims that could have been made during the same case.

Prerequisites for Res Judicata

A judicial decision by proficient court or tribunal,

Final and binding and

Any decision made on the merits

A fair hearing

Earlier decisions right or wrong are not relevant.

Nature and Scope of Res Judicata

Res judicata includes two concepts of claim preclusion and issue preclusion. Issue preclusion is also known as collateral estoppel. Parties cannot sue each other again after the final judgment on the basis of merits has reached in civil litigation. For example, if a plaintiff wins or loses a case against the defendant in the case say A, he cannot probably sue the defendant again in case

B based on the same facts and events. Not even in a different court with the same facts and events. Whereas in issue preclusion it prohibits the relitigation of issues of law that have already been determined by the judge as part of an earlier case.

The scope has been decided in the case of Gulam Abbas v. State of Uttar Pradesh. In this case the court incorporated the rules as evidence as a plea of an issue already tried in an earlier case. Judgment of this case was difficult as the judges should apply res judicata. It was decided that res judicata is not exhaustive and even if the matter is not directly covered under the provisions of the section it will be considered as a case of res judicata on general principles.

Rationale

The principle of res judicata is founded upon the principles of justice, equity, and good conscience and it applies to various civil suits and criminal proceedings. The purpose of this principle was to inculcate finality into litigation.

Failure to Apply

When a court fails to apply Res Judicata and renders a divergent verdict on the same claim or issue and if the third court faces the same issue, it will apply a "last in time" rule. It gives effect to the later judgment and it does not matter about the result that came differently the second time. This situation is typically the responsibility of the parties to the suit to bring the earlier case to the judge's attention, and the judge must decide how to apply it, whether to recognize it in the first place.

Doctrine of Res Judicata

The double jeopardy provision of the Fifth Amendment to the U.S. Constitution protects people from being put on a second trial after the case has been judged. So the doctrine of res judicata addresses this issue and it bars any party to retry a judgment once it has been decided.

Section 11 of the Civil Procedure Court incorporates the doctrine of res judicata also known as " rule of conclusiveness of judgment". The doctrine of res judicata has been explained in the case of Satyadhyan Ghosal v. Deorjin Debi. The judgment of the court was delivered by Das Gupta, J. An appeal was made by landlords who attained a decree for ejectment against the tenants who were Deorajin Debi and her minor son. However, they have not been yet able to get possession in execution soon after the decree was made. An application was made by the tenant under Section 28 of the Calcutta Thika Tenancy Act and alleged that they were the Thika tenants. This application was resisted by the landlords saying they were not Thika Tenants within the meaning of the Act.

The tenants moved to the High Court of Calcutta under the Civil Procedure Code. The court applied the principle of res judicata to achieve the finality in litigation. The result came that the original court, as well as the higher court, can proceed for any future litigation on the basis that the previous decision was correct.

The doctrine of res judicata says –

That no person should be disputed twice for the same reason.

It is the State that decides there should be an end to a litigation

A judicial decision must be accepted as the correct decision.

Constructive Res Judicata

The rule of constructive res judicata in Section 11 of the Civil Procedure Code is an artificial form of res judicata. It provides that if a plea has been taken by a party in a proceeding between him and the defendant he will not be permitted to take pleas against the same party in the following proceeding with reference to the same matter. It is opposed to public policies on which the principle of res judicata is based. It would mean harassment and hardship to the defendant. The rule of constructive res judicata helps in raising the bar. Hence this rule is known as the rule of constructive res judicata which in reality is an aspect of augmentation of the general principles of res judicata.

In the case of State of Uttar Pradesh v. Nawab Hussain, M was a sub-inspector and was dismissed from the service of D.I.G. he challenged the order of dismissal by filing a writ petition in the High Court. He said that he did not get a reasonable opportunity of being heard before the passing of the order. However, the argument was negative and the petition was dismissed. He again filed a petition on the ground that he was appointed by the I.G.P. and had no power to dismiss him. The defendant argued that the suit was barred by constructive res judicata. However, the trial court, the first appellate court as well as the High Court held that the suit was not barred by the doctrine of res judicata. The Supreme Court held that the suit was barred by constructive res judicata as the plea was within the knowledge of the plaintiff, M and he could have taken this argument in his earlier suit.

Res Judicata and Estoppel

Estoppel means the principle which prevents a person from asserting something that is contrary to what is implied by a previous action. It deals in Section 115 to Section 117 of the Indian Evidence act. The rule of constructive res judicata is the rule of estoppel. In some areas the doctrine of res judicata differs from the doctrine of estoppel –

- Estoppel flows from the act of parties whereas res judicata is the result of the decision of the court.
- Estoppel proceeds upon the doctrine of equity, a person who has induced another to alter his position to his disadvantage can not turn around and take advantage of such alteration. In other words, res judicata bars multiplicity of suits and estoppel precludes multiplicity of representation of cases.
- Estoppel is a rule of evidence and is enough for the party whereas res judicata expels the jurisdiction of a court to try a case and prevents an enquiry at the threshold (in limine).

Res judicata forbids a person averring the same thing twice in the litigations and estoppel prevents the person from saying two opposite things at a time.

According to the principle of res judicata, it presumes the truth of decision in the former suit while the rule of estoppel precludes the party ton deny what he or she has once called truth.

Res judicata and Res Subjudice

The doctrine of res judicata and res subjudice varies in some factors –

- Res sub judice applies to a matter that is pending trial whereas res judicata applies to a matter adjudicated or arbitrated.
- Res subjudice prohibits the trial of a suit that is pending decision in a previous suit whereas res judicata prohibits the trial of a suit that has been decided in a former suit.

Res judicata and Issue Estoppel

A person who has once been tried by a court of proficient jurisdiction for an offence and convicted of that offence cannot be tried again for the same offence as long as acquittal operates. This is given under Section 300(1) of the Civil Procedure Court. A party cannot proceed to reopen the case if the matter is finally decided by a competent or proficient court. This principle applies to criminal proceedings and it is not allowed in the stage of the same proceedings to try a person for an offence for which he has been acquitted.

Res Judicata and Stare Decisis

Res judicata means a case that has already been decided or a matter settled by a decision or judgment. Res judicata and stare decisis both are related to matters of adjudication (arbitration). Stare decisis rests on legal principles whereas res judicata is based on the conclusiveness of judgment. Res judicata binds the parties while stare decisis operates between strangers and bins the courts to take a contrary view on the law already decided. Stare decisis is mostly about legal principle while res judicata relates to controversy.

What is Res Judicata and Collateral Estoppel?

The doctrine of collateral estoppel says that an issue or case that has been litigated cannot be litigated again. For collateral estoppel to apply, the following requirements are required.

The issue in the first and second case is the same; The party against whom the doctrine is invoked had the full opportunity to litigate the issue; That party actually litigated the issue; The issue litigated must have been necessary to the final judgment.

The doctrine of res judicata bars the re-litigation of a claim that has already been litigated. There are four factors that must be satisfied for res judicata to apply:

A previous case in which the same claim was raised or could have been raised;

The judgment in the prior case involved the same parties or their privies;

The previous case was resolved by a final judgment on the merits;

The parties should have a fair opportunity to be heard.

For example, Abela sued John who is a supervisor for sexually harassing her and due to that, she had to quit her job. Abela provided the evidence by producing emails written by him. But John argued that the emails were not real but the judge said that the emails were real and could be submitted as evidence. After a few months after the trial, Abela filed a lawsuit against her employer as he did not take any action about the complaint. If the emails that were submitted by Abela, were not genuine the issue would fall under collateral estoppel. The issue of

authenticity of the emails was already decided in the previous case and hence the court cannot redecide the issue.

Res Judicata landmark cases

Brobston v. Darby Borough

In the case of Brobston v. Darby Borough, Brobston was the plaintiff who was injured while driving a vehicle on a public highway in the Borough of Darby. Due to a transit company that was occupying the street, the steering wheel of the machine was pulled by the driver's hand. This resulted in injury to the complainant.

A suit was filed against the street railway in the Court of Philadelphia to recover damages. It was proved that negligence was there on the part of both the parties also known as contributory negligence. The judgment was passed in favour of the defendant. Later action was again brought against the same defendant based on the same cause of action and against the same transit company. The judgment in the first proceeding was brought to the attention of the court. The plaintiff admitted that Brobston was the same person who was the plaintiff in the action brought earlier in Philadelphia.

The action was brought for injuries occurring at the same place and the verdict of the court was in favour of the defendant. The facts and cause of action were the same but the only difference was the name of the defendant. The legal question involved was what are the rights of the plaintiff in this case. The court refused the facts which were proven by the counsel. Hence a nonsuit was entered because of the earlier judgment. The plaintiff should have been permitted to call the witness but no merit was seen.

These conditions were entered in the record to enable the Court to pass the legal question involved. The plaintiff had the right to recover under the circumstances. The counsel made an offer to prove the facts which the court had refused to do. A complaint was made that the plaintiff must have been permitted to call the witness to establish the matters. The facts were essential for the legal determination of liability before the court and consent of both the parties were needed.

Henderson v. Henderson

Henderson v Henderson was a case in which the English Court confirmed that a party can not raise a claim in litigation which was raised in the previous suit. In 1808, two brothers Bethel and Jordan Henderson became business partners and they operated in both Bristol and Newfoundland. In 1817, their father died on a date that was not recorded. The wife of Jordan Henderson was appointed as the administrator and she brought legal proceedings in the Court. She also brought separate proceedings and claimed that he had failed to provide an account as executor of the will. The Court of Appeal held that there was no estoppel by convention and that the proceedings were an abuse under the rule in Henderson v Henderson. The Court of Appeal held that just one of Mr Johnson's claims should be struck out for a reflective loss.

Johnson v. Gore Wood and Company

Johnson v Gore Wood and Company is a leading UK case in which the House of Lords decided the case relating to litigating issues that had already been determined in the previous litigation.

Mr Johnson was a director and majority shareholder in a lot of companies, including Westway Homes Limited and Gore Wood & Co were a firm of lawyers who acted for the companies and also occasionally worked for Mr Johnson in his personal capacity.

In 1998, Gore Wood was acting for the company and served notice to acquire land from a third party upon the lawyers for that third party. The third-party alleged that this was not service, and refused to convey the land. Legal proceedings followed and ultimately the company succeeded. However, because the third party was penurious and was funded by legal aid, the wood company was unable to regain the full amount of its losses and legal costs.

Accordingly, the wood company issued proceedings against Gore Wood for negligence and alleged that their losses would have been entirely prevented if Gore Wood had properly served the original notice on the third party instead of the third party's lawyers.

Gore Wood ultimately settled those claims, and the settlement agreement included two provisions that were later proved that they were important. Firstly, it included a clause stating that any amount which Mr Johnson wished to subsequently claim against Gore Wood in his personal capacity would be limited to an amount, excluding interest and costs. The confidentiality clause contained an exception which permitted the settlement agreement to be referred which Mr Johnson brought against Gore Wood.

Mr Johnson then issued proceedings against Gore Wood in his personal name, and Gore Wood made applications to dismiss some or all of the claims on the basis that it was an abuse of process to seek to litigate again the issues which had already been compromised in the agreement.

Res Judicata landmark cases in India

Daryao v. State of Uttar Pradesh

In the historic case of Daryao v. State of Uttar Pradesh, the doctrine of res judicata is of universal application. The Supreme Court of India placed the doctrine of res judicata on a still broader foundation. In this case, petitioners filed a writ petition in the High Court of Allahabad under Article 226 of the Constitution. But the suit was dismissed. Then they filed independent petitions in the Supreme Court under the writ jurisdiction of Article 32 of the Constitution. The defendants raised an objection regarding the petition by asserting that the prior decision of the High Court would be operated as res judicata to a petition under Article 32. The Supreme Court dismissed and disagreed with the petitions.

The court held that the rule of res judicata applies to a petition under Article 32 of the Constitution. If a petition is filed by the petitioner in the High Court under Article 226 of the Constitution and it is dismissed on the basis of merits, it would be operated as res judicata to bar a similar petition in the Supreme Court under Article 32 of the Constitution.

Devilal Modi vs. Sales Tax Officer

In the leading case of Devilal Modi vs. STO, B challenged the validity of an order of assessment under Article 226. The petition was dismissed on the basis of merits. The Supreme Court also dismissed the appeal that was made against the order on the basis of merits. B again filed another writ petition in the same High Court against the same order of assessment. This time

the petition was dismissed by the High Court. The Supreme Court held that the petition was barred by the principle of res judicata.

Avtar Singh v. Jagjit Singh

A peculiar problem arose in the case of Avtar Singh v. Jagjit Singh. A filed a civil suit, a contention regarding the arbitration of the Court was taken by B. The objection was sustained and the plaint was returned to the plaintiff for the presentation. The Revenue Court did not have any jurisdiction when A approached the Revenue Court so he returned the petition. Once again A filed a suit in the Civil Court. B contended that the suit was barred by the doctrine of res judicata.

Mathura Prasad v. Dossabai N.B. Jeejeebhoy

In the case of Mathura Prasad v. Dossibai N.B. Jeejeebhoy, it was held that res judicata constitutes between the parties to the previous case and cannot move again in collateral proceedings. Generally, a decision by a competent court operates as res judicata even on point of law. However, a question of law which is not related to facts that gives rise to the right, will not operate as res judicata. When the cause of action is different or the law is different, the decision has been already altered by an authority. The decision made will be declared as valid and res judicata will not operate in the subsequent proceeding.

Exceptions to res judicata

Cases where Res Judicata does not apply-

The principle of res judicata does not apply in the Writ of Habeas Corpus as far as High Courts are concerned. Article 32 gives power to the Supreme Court to issue writs and some power is given to High Courts under Article 226. The Courts need to give proper reasoning while applying the doctrine of res judicata. There are some exceptions to res judicata which allow the party to challenge the validity of the original judgment even outside the appeals. These exceptions are usually known as collateral attacks and are based on jurisdictional issues. It is not based on the wisdom of the earlier decision of the court but the authority to issue it. Res judicata may not be applicable when cases appear that they need relitigation.

Instalment Supply private limited vs. Union of India

In cases of income tax or sales tax, the doctrine of res judicata does not apply. It was discussed in the case of Instalment Supply private limited vs. Union of India where the Supreme Court held that assessment of each year is final for that year and it will not govern in the subsequent years. As it determines the tax only for that particular period.

Bandhopadhya and others v. Union of India and others

In the case of **P. Bandhopadhya and others v. Union of India and others,** The appeal was made in the Bombay High Court and the appellants asserted that they will be entitled to receive an amount as damages. The Supreme Court bench held that the appellants were not entitled to

receive damages which were pensionary benefits under the Pension Rules 1972. They were entitled to receive benefits as the case was barred by the principle of res judicata.

In the case of Public Interest Litigation, the doctrine of res judicata does not apply. As the primary object of res judicata is to bring an end to litigation so there is no reason to extend the principle of public interest litigation.

Dismissal of special leave petition in limine does not operate as res judicata between the parties. A fresh petition will not be filed either under Article 32 or under Article 226 of the Constitution.

Beliram and Brothers v. Chaudhari Mohammed Afzal

In the case of Beliram and Brothers v. Chaudhari Mohammed Afzal, it was held that a minors suit cannot be brought by the guardian of the minors. However, it was brought in collaboration with the defendants and the decree obtained was by fraud within the Indian Evidence Act, 1872 and it will not operate res judicata.

Jallur Venkata Seshayya v. Thadviconda Koteswara Rao

In the case of Jallur Venkata Seshayya vs. Thadviconda Koteswara Rao, a suit was filed in the Court so that certain temples are called public temples. A similar suit was dismissed by the Court two years ago and the plaintiff contended that it was negligence on the part of the plaintiffs (of the previous suit) and therefore the doctrine of res judicata can not be applied. However, the privy council said that the documents were suppressed which means that the plaintiff in the earlier suit had bona fide intention(something that is genuine and there is no intention to deceive).

Can Res Judicata be waived?

In the case of P.C. Ray and Company Private Limited v. Union of India it was held that the plea of res judicata may be waived by a party to a proceeding. If a defendant does not raise the defence of res judicata then it will be waived. The principle of res judicata belongs to the procedure and either party can waive the plea of res judicata. The court can decline the question of res judicata on the ground that it has not been raised in the proceedings.

How to defeat Res Judicata?

The doctrine of res judicata would not apply to the case until the conditions are met. The essential condition for the applicability is that the succeeding suit or proceeding is founded on the same cause of action on which the former suit was founded. The principle of res judicata can be defeated when the party has filed the suit on a reasonable ground for example in case a public interest litigation has been filed there is no reason not to extend the doctrine of res judicata. The PIL has been filed with a bona fide intention and the litigation cannot end.

Criticism to Res Judicata

Res judicata can also be applied to judgment that may be contrary to law. The doctrine of res judicata has been used for a long time and it encloses the general effect of one judgement upon another trial or proceeding. It includes matters not only those of bar but also those matters which should be litigated. For example, if a case has been dismissed on a specific ground by a court of law or equity and it is not deemed as a final judgment and technically res judicata will apply but it is not justified. If the chancellor has denied equitable relief on a principle but it

was held by the court that the plaintiff is barred from proceeding as a legal remedy. Most of the equity cases involve res judicata and do not get beyond collateral estoppel. As it raises the difficulty of overlapping more than the failure to litigate issues.

The title to real estate and the right to collect rent depended upon one and the same construction of a will. In an interpleader over the rents, A got the decree. B appealed, without supersedeas, and secured a reversal, but, before his appeal was decided, A had sued him in ejectment, invoking the decree, and recovered a judgment for the real estate. B did not appeal from this judgment, but, after the reversal of the decree, he sued A in ejectment for the land, relying upon the reversal.