

Principle of Res Judicata

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ABSTRACT: *Res Judicata is a term that has originated from a Latin maxim that stands for 'the thing has been judged,' implying that the issue before the case, with the same parties, has already been resolved by another court. The court would then ignore the lawsuit before it, as being useless. In the case of both the civil and criminal justice systems, Res Judicata as a term is applicable. The term is often used to refer to 'bar re-litigation' of the same parties in such cases, which varies between the two legal systems. If a final judgment in a case has been released, the following judges facing a lawsuit that is similar to or virtually the same as the first one, must enforce the doctrine of Res Judicata 'in order to maintain the influence of the first judgment.' This is to prevent prejudice to the parties in an allegedly resolved lawsuit, but perhaps mostly to avoid needless misuse of the Legal System's money and time. Consequently, the same case cannot be re-established either in the same court or in the separate courts of India. This is only to discourage them from combining judgments, because with the same harm, a winning complainant cannot recover damages from the defendant twice.*

KEYWORDS: *Code of Civil Procedure; Legal System; Res Judicata; Suit; Subject Matter.*

INTRODUCTION

From the English Common Law System, the principle of res judicata has grown. From the overarching principle of judicial consistency, the Common Law system was derived. Then, Res judicata took its place in the Common Law Code of Civil Procedure, and then in the Indian Legal System. If each side asks the same court for the decision on the same question in a lawsuit, the doctrine of res judicata would strike the suit. In administrative law as well, Res judicata plays a role. This tends to control how well the court performs and disposes of the case[1].

The doctrine of res judicata becomes valid when more than one case is registered with the same parties and the same evidence in the same or in some other Indian jurisdiction. The parties involved in a dispute can again bring the same claim again to harass the credibility of the opposing party and may do so again to obtain money. The theory of res judicata plays a significant role and meaning in the Code of Civil Procedure in order to escape such overloads and extra events[1].

According to ancient Hindu practice, earlier res judicata was called by Hindu lawyers and Muslim jurists as Purva Nyaya or former judgment. It has been agreed by the countries of the Commonwealth and the European Continent that if the case has been taken to justice, it must not be prosecuted again. The res judicata theory is taken from the Seventh Amendment to the U.S. Constitution. In a federal jury trial, it discusses the finality of decisions. If a judge has made a decision in a civil trial, it cannot be reversed by any court except there are very strict provisions[2].

Res means "subject matter" and judicata means "adjudged" or determined and it means "adjudged matter" together. The problem before a court has already been decided by another court and between the same parties, in simpler terms, the thing has been judged by the court. The court will then dismiss the case as another court has determined it. In both the civil and criminal justice processes, Res judicata applies. No suit that has been pursued directly or indirectly in a previous suit may be attempted again[2].

The res judicata theory aims to facilitate the equal administration of justice and fairness and to discourage misuse of the rules. The theory of res judicata applies where, after having obtained a judgment in a prior case involving the same parties, a litigant tries to bring a new complaint on the same subject. This refers not only to the particular claims made in the first instance in certain countries, but also to claims that may have been made in the same case[3].

Two principles of argument preclusion and dilemma preclusion are found in Res judicata. Often known as collateral estoppel, problem preclusion. Since the final decision on the grounds of the merits has been made in civil proceedings, the parties cannot sue each other again. For example, if a complainant wins or loses a lawsuit against the defendant in case A, on the basis of the same facts and events, he will not be able to sue

the defendant again in case B. Not also with the same evidence and incidents in a different court. Whereas it forbids the re-litigation of questions of law that have already been decided by the judge as part of an earlier case in the case of question preclusion[3].

If a court fails to apply Res Judicata and makes a divergent decision on the same argument or issue, it will apply a "last-in-time" provision if the third court faces the same issue. It gives effect to the later decision and the outcome that came in the second time differently does not matter. Usually, this situation is the duty of the parties to the action to bring the previous complaint to the attention of the court, and the judge must determine how to enforce it, whether to first recognize it[4].

DISCUSSION

In Section 11 of the Civil Procedure Code, the positive res judicata law is an arbitrary type of res judicata. It provides that if a plea has been made by a party in a case between that party and the complainant, it would not be allowed, in the subsequent proceeding, to lodge a plea against the same party with regard to the same matter. It is contrary to public measures that are the foundation of the res judicata theory. To the claimant, it would mean intimidation and suffering. In lifting the bar, the idea of positive res judicata aids. This rule is also known as the positive res judicata rule, which is simply a part of strengthening the basic values of res judicata[5].

The theory of res judicata does not, as far as the High Courts are concerned, extend in the Writ of Habeas Corpus. Article 32 grants the Supreme Court the right to issue rulings and, according to Article 226, some power is given to the High Courts. When applying the doctrine of res judicata, the courts ought to provide proper justification. There are some exceptions to res judicata which cause the group, even outside the appeals, to question the validity of the original judgment. These exceptions are commonly referred to as collateral attacks and are based on matters of authority. It is based not on the wisdom of the court's earlier ruling, but on the jurisdiction to issue it. When cases tend to require rectification, Res judicata may not be applicable[5].

Res judicata, a thing or matter that has actually been determined on its merits legitimately and that will not be litigated between the same parties again. The concept is often used to refer to the idea that the frequent re-examination of adjudicated disputes is not in the interest of any community. For a single allegation or defence, it has long been held that one judicial contest is appropriate for the litigants. The need to restrict litigants to a single case over a single controversy has become more pressing as the amount of judicial work has grown. The principle of res judicata has grown in reach and strength since its operation has been perfected by the courts[6].

With regard to the classification of the parties concerned, an individual may, at the time of filling a given office, engage in an action and may subsequently initiate the same action in a separate capacity. In that case, Res Judicata would not be eligible as a remedy unless the defendant could establish that it was not valid and necessary to have separate designations. Accordingly, Res Judicata in a nut shell is a legal principle in which the courts do not allow a petition to be lodged in the same or other court to extend the Res Judicata doctrine and the party is not authorized to lodge the petition or to continue the petition. The Res Judicata sphere is ever-growing. While cases other than suits are not protected by the Civil Procedure. Whereas in Administrative Law, the Res Judicata definition only deals with aspects pertaining to the Written Proceedings[6].

The Res Judicata theory is much broader in nature in nations that have a civil law judicial framework than in nations under common law. 'Res Judicata' applies, according to the dictionary sense, to a lawsuit or suit concerning a specific matter between two or more parties previously resolved by a judge. Thereafter, if any side enters the same court for the adjudication of the same issue, the statute of 'res judicata' would strike the suit[7].

This definition is explored in section 11 of the Code of Civil Procedure. In any subsequent proceeding by the same parties, it embodies the doctrine of Res Judicata or the precept of conclusiveness of a decision as to the points determined either by fact, or by statute, or by fact and law. It enacts that a competent court is

eventually resolved once a matter; no party will be able to revive it in a subsequent litigation. There will be no stop to lawsuits in the absence of such a provision and the parties will be held in continuous trouble, threats and expenses[8].

While it has a very extensive and extended range, the regulations of Section 11 are not exhaustive at all. The clause "does not affect the jurisdiction of the Court" but "operates as a bar to the trial" of the case or issue, where the case in the case was specifically and significantly at issue (and subsequently decided) in the prior case between the same parties litigating in the Court under the same title, then they are not competent, i.e. they are barred from trying the following case in which such a matter has been brought[8].

This Res Judicata theory, thus, is a simple principle focused on public policy and the private interest. It is formulated in the broader public interest, causing all litigation to come to an end. Consequently, it includes civil trials, execution proceedings, arbitration proceedings, taxation proceedings, written petitions, administrative directives, temporary orders, criminal proceedings, etc. The applicability of section 11 of the C.P.C. cannot be avoided by an ordinary litigation being a defendant or alleging under a party of a previous suit, as it is mandatory even as the situation might be on the basis of deception or conspiracy. The onus of proof falls on the side depending on the Res Judicata principle. "The rules of C.P.C. section 11 are "not directory, but obligatory". Only by resorting to section 44 of the Indian Facts Act on the basis of bribery or conspiracy will a verdict in a previous suit be deferred[9].

In the case of Gulam Abbas v. State of U.P., the framework of Res Judicata was very well decided. Where the Code embodies the laws of conclusiveness as proof or bars as a plea in an earlier suit based on a lawsuit in which the case is specifically and practically a matter, it becomes final. Section 11 creates some right of interest to the land, but instead serves as a bar to pursue 'once again' the issue. The Court is believed to have access to all the legal bodies functioning in India[9].

In extending res judicata, the reach of an earlier decision is perhaps the most challenging issue that judges have to answer. Often that will impact only part of a subsequent case, such as a particular allegation being struck from a complaint, or excluding a single substantive question from reconsideration of the new trial. It was held that the principle of Res Judicata was of greater scope on the grounds of the larger principle of the finality of the judgment of the Courts of Law and of the decision of Section 12 of the U.P. The 1934 Agriculturists Relief Act was considered to serve as Res Judicata Section 11 CPC, which embodies the Res Judicata concept, and while a matter may not be directly protected by the rules of that section, Res Judicata on general principles may still be the focus[10].

CONCLUSION & IMPLICATION

During the continuation of the trial, the Law of Res Judicata should be understood as one that prevents any side from moving the clock back. Res Judicata's reach is very broad and it covers a number of things, including public interest litigation. Even outside of the Code of Civil Procedure, this doctrine is true and encompasses a number of fields relevant to culture and citizens. Through the passage of time, the reach and extent have expanded and the Supreme Court has elongated the areas with its judgments.

The appeals process, which is called a linear continuation of the same case as the suit moves up (and back down) the ladder of the appellate court, is not limited by Res Judicata. Instead of deciding to start a new tribunal, appeals are considered the appropriate way to contest a decision. Res Judicata will refer also to a decision that is contrary to the statute until the appeals process is exhausted or waived.

There are limited exceptions to Res Judicata that allow a party, even outside of an appeal, to attack the fairness of the initial decision. Usually, these exceptions, typically referred to as collateral attacks, are based on substantive or jurisdictional issues, based not on the wisdom of the ruling of the previous court, but on the legitimacy or the earlier court's competence to make the decision. In legal systems of several jurisdictions, such as under federal governments, or where a domestic court is ordered to implement or accept the decision of a foreign court, a collateral attack is more likely to be available. Additionally, cases that tend to be Res Judicata can be re-litigated in matters requiring due process. As a matter of justice, individuals who have had rights stripped away should be permitted to be re-tried with a psychologist.

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