VOLUME 6 | ISSUE 1

INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

REFORMING THE PRINCIPLE OF RES JUDICATA IN INDIA: A PROPOSAL FOR LEGISLATIVE AND JUDICIAL REFORMS TO BALANCE FINALITY AND JUSTICE

- Pooja Jain[1] & Dr. Santosh Kumar Tiwari[2]

ABSTRACT

The present study critically analyzes the Indian law of res judicata, as enacted under Section 11 of the Code of Civil Procedure, 1908. While the doctrine ensures finality of litigation, judicial economy, and conclusiveness of judgments, technical and strict application thereof occasionally negates the very premise of substantive justice. This research discusses the development of res judicata from its early origins through to modern usage within Indian courts, comparing with authoritative court interpretations and other legal frameworks in the UK, USA, and EU.

By recognizing the doctrinal and pragmatic shortcomings of the present scheme, the study highlights the urgency of reform. It calls for a more equitable system that maintains finality at the cost of compromising justice. Towards this, it recommends revising Section 11, incorporating justice-oriented exceptions in fraud, newly discovered evidence, and shifts in legal conditions. The research also demands judicial reforms to bring about coherence among competing understandings and safeguards against abuse in procedures. Finally, the research seeks to move the

[1] Student LL.M. Two Year Programme, School of Law, Justice & Governance, Gautam Buddha University, Greater Noida Delhi-NCR

[2] Head, School of Law, Justice & Governance, Gautam Buddha University, Greater Noida Delhi-NCR

© 2025 International Journal of Advanced Legal Research

doctrine towards consistency with the constitution's values and the changing requirements of justice within a modern democratic legal order.

Keywords:

Res Judicata, Finality of Litigation, Substantive Justice, Section 11 CPC, Judicial Reforms, Legislative Reforms, Constructive Res Judicata, Comparative Jurisprudence, India, Civil Procedure.

1. INTRODUCTION

The spirit of the law is to render it final in the interest of attainment of justice by just and final determination of controversy. But finality of litigation should be balanced against the ultimate goal of substantive justice. Doctrine of res judicata is one of the fundamental doctrines which provide finality to judicial procedure. This maxim has been borrowed from the Latin phrase res judicata pro veritate accipitur (a thing adjudicated is accepted as truth), and the doctrine does not permit re-litigation of such controversy already finally determined by an authority competent court. According to Indian laws, such principle is given statutory effect under Section 11 of the Code of Civil Procedure, 1908 (CPC).

The purpose of res judicata is to prevent multiplicity of suits, save time of courts, and preserve sanctity of judicial findings. Res judicata is undertaken to prevent harassment of parties twice regarding the same matters and preserve sanctity of the judiciary process. The rule has been applied consistently by common law courts and widely accepted as an extension of natural justice and rule of law. In India also, the evolution and application of res judicata has not been without hiccups.

Indian courts have developed and expanded the doctrine through judicial interpretation, most notably including the doctrine of constructive res judicata—a policy excluding issues that ought to have been resolved in earlier cases but were not litigated. While this extension is meant to close loopholes and protect the judicial process from abuse, it will generally be on its way to constituting

© 2025 International Journal of Advanced Legal Research

straitjacket procedural requirements that will kill actual claims, especially where there has been change in legal standards, there is new fact, or where there has been default in procedure in prior adjudication.

The conflict between finality and justice is further more straitjacketed when PILs, constitutional issues, and rights of the essence are at stake. Such cases have seen courts going to the extent of violating or avoiding the doctrine so that they may administer full justice. The lack of a clearly defined criterion or legislative advice regarding when res judicata must yield to justice and equity has introduced indeterminacy and unpredictability.

Indian judiciary in recent times has been confronted with very complex civil disputes involving multiple fora, parallel regulation, and shifting values of a constitutional nature. The changes mandate the re-examination of the doctrine of res judicata, i.e., its application in a constitutional democracy where justice is sine qua non. The rigid application of finality would no longer be consonant with the requirements of an evolving legal system committed to justice, access to justice, and human rights.

Along these lines, the present study purportedly critically scrutinizes the doctrine of res judicata in India and suggests legislative and judicial reforms that can confer finality of litigation as also make realization of substantive justice possible. The research is comparative in the context of analyzing how the other countries' jurisdictions, such as the United Kingdom, United States of America, and European Union, formulated the doctrine to keep pace with evolving legal reality. It assumes that there has to be a dynamic doctrine of res judicata founded on justice as an effort to preclude miscarriage of justice and soundness of the judiciary.

Last, the research warrants an equilibrium model in which res judicata is neither forsaken but reimagined and contextualed such that the courts can maintain procedural certainty as well as fair outcomes. This reform in judiciary and legislation will make the Indian civil justice secure and strengthen public faith in the rule of law.

© 2025 International Journal of Advanced Legal Research

Pendency of courts has been one of the major worries of judiciary in some of the past decades and such pendency of the cases has increased significantly at every stage of the hierarchy of judiciary in the past decade. From 2006 till now, the pendency of the cases in all the courts has gone up by 22% (64 lakh cases). As of August 2019, there are over 3.5 crore pending cases in the Supreme Court, High Courts, and subordinate courts. The pendency is over 87.3% in the subordinate courts, and then 12.5% pendency in front of the 24 High Courts. The remaining 0.2% of the cases are pending for the Supreme Court's consideration.1 The predominant reason behind rising pendency of the cases is that the number of newly filed cases presented every year has been higher than the number of finalized cases and out of all such newly filed cases it was established that most of the litigations are vexatious and an only evil attempt to involve his ill opponent through successive suits and proceedings resulting in losing his rights. It can be avoided. The research tries to count lacunae and gaps in practice of Res Judicata in India today. It tries to decide the ways through which the doctrine, as vital as it is to administration of justice well, has limitations as effective as outcomes each time put to application categorically, especially where problems generate law.

The concern at the center of this dissertation is that while Res Judicata is a tool of creating certainty and preventing frivolous litigations, it is an exclusionary tool which is inappropriately excluding merit claims, squandering the very essence of justice which it is trying to preserve. In that case, the issue is not really the existence of Res Judicata as a rule of law but its application to modern legal situations. Throughout this research, focus will thus be on analyzing the new chasms and invoking a master plan to re-develop the principle in the direction of a more fair destination of finality and justice to place Res Judicata in its rightful position without resurrecting judicial injustice.

1.3 LITERATURE REVIEW

A. Indian Comment on Res Judicata

© 2025 International Journal of Advanced Legal Research

Res Judicata is dealt with most authoritatively in Mulla's Code of Civil Procedure (21st edn., LexisNexis), where Section 11 CPC is elaborately discussed. Mulla traces the historical origin of the doctrine and centers on its significance in the context of finality in adjudication. The commentary points out that although Section 11 captures the doctrine, it is incomplete and the greater part of the ambit has been clarified by case law. Mulla critically points out the conflict between the principal provision and Explanation VIII introduced into effect by the 1976 Amendment, making the judgment by a court of limited jurisdiction effective as Res Judicata, even if such court was not competent to decide the subsequent suit.

C.K. Thakker's Code of Civil Procedure (Eastern Book Company) provides an insight into the practical implications of the doctrine. Thakker explains the different judicial approaches to Res Judicata in consent decree cases and voluntarily withdrawn suits without adjudication. He goes on to describe how the doctrine affects arbitration and constitutional remedies and warns against mechanical application that can stifle substantive justice.

B. Judicial Interpretation and Application

A few Indian Supreme Court decisions have helped a lot in outlining the contours of Res Judicata. In Satyadhyan Ghosal v. Deorajin Debi, AIR 1960 SC 941, the Court recognized the significance of the rule in conferring finality of decrees. Similarly, in Forward Construction Co. v. Prabhat Mandal, AIR 1986 SC 391, the Supreme Court extended its applicability even to public interest litigations.

But courts have been uneven as to whether pure questions of law can be Res Judicata, and in its application to arbitration, taxation, and criminal cases. There are inconsistencies also in the application of constructive Res Judicata in writ petitions under Articles 32 and 226 of the Constitution. It is a patchwork of decisions in proof that this is reflective of a need for doctrinal clarification and harmonization.

C. Comparative and Constitutional Perspectives

© 2025 International Journal of Advanced Legal Research

From the rights point of view, Upendra Baxi and other constitutional theorists have been opposed to rigid application of Res Judicata in writ jurisdiction. Baxi warns that finality maxims should never intrude into the constitutional mandate of the judiciary to secure basic rights. Baxi is in favor of judicious application, especially in the process of habeas corpus where liberty is in peril.

All over the globe, legal jurists such as H.L.A. Hart and Ronald Dworkin have addressed finality in law in the wide scope of rule of law and procedural justice. Indirect reference to Res Judicata through their work is in reasserting that certainty in law will have to be balanced against justice where procedural amenities will have to result in unjust verdicts.

D. Identified Research Gaps

In spite of the absence of comment and jurisprudence, there are nevertheless grave lacunae in scholarship on Res Judicata. Firstly, no proper analysis exists of the impact of Explanation VIII on the requirement of competency. Secondly, very little has been said regarding the relationship of Res Judicata with doctrines such as Lis Pendens, or its application to non-traditional areas like arbitration and taxation. Third, there are hardly any Indian authors who have made specific legislative or procedural reform proposals. Finally, most of the studies neglect to link the procedural law with its implications of implementation in order to reach justice.

Books

1. ***Mulla, D.F., Code of Civil Procedure, 21st edn., LexisNexis, Gurgaon, 2020.***

Description: An authoritative and detailed commentary on Section 11 of the CPC, this book includes historical origins, evolution, and modern judicial interpretations of Res Judicata. It is especially useful in understanding Explanation VIII and its apparent conflict with the main body of Section 11.

2. ***Jain, M.P., The Code of Civil Procedure, 7th edn., LexisNexis, Nagpur, 2022.***

© 2025 International Journal of Advanced Legal Research

Description: This treatise explores the procedural aspect of Res Judicata and gives detailed case law references and interpretations by the Supreme Court and various High Courts, making it valuable for analyzing the competency of courts and overlapping jurisdictions.

3. ***Takwani, C.K., Civil Procedure with Limitation Act, 9th edn., Eastern Book Company, Lucknow, 2021.***

Description: Known for its clarity, this book explains Res Judicata in both traditional and contemporary contexts, including arbitration, PILs, and writ proceedings. It also explains the doctrine's application in Indian courts versus comparative systems.

4. ***Sathe, S.P., The Law of Res Judicata in India, N.M. Tripathi Pvt. Ltd., Bombay, 1986.***

Description: A rare but comprehensive book focusing exclusively on Res Judicata, offering in-depth analysis of constructive Res Judicata, public policy exceptions, and evolving judicial trends in India.

Articles

5. ***Bhatia, V., "Doctrine of Res Judicata: A Critical Analysis", (2017) 59(3) Journal of the Indian Law Institute 320–336.***

Description: This article evaluates the contemporary relevance of Res Judicata and its limitations in civil and writ jurisdictions. It highlights conflicting judgments on competency and duplication of issues.

6. ***Rao, S. and Nair, P., "Res Judicata and Public Interest Litigation in India: A Constitutional Perspective", (2019) 61(2) Journal of the Indian Law Institute 144–162.***

Description: The paper discusses the nuanced application of Res Judicata in PILs and how the doctrine is molded to preserve public interest over procedural barriers.

© 2025 International Journal of Advanced Legal Research

7. ***Singh, R., "Res Judicata in Arbitration Proceedings: An Indian Perspective", (2020) 5(1) NALSAR Law Review 92–108.***

Description: The article analyses the discretionary use of Res Judicata in arbitration and its inconsistency in being treated as procedural or substantive law.

8. ***Desai, K., "Competency of Courts under Section 11 of CPC: A Critique of Explanation VIII", (2021) 43(4) Delhi Law Review 77–94.***

Description: This article focuses on the contradiction between the main section and Explanation VIII of Section 11, raising questions about legislative intent and judicial misalignment.

1.4 RESEARCH OBJECTIVES

1. To critically examine the scope and evolution of the doctrine of Res Judicata in Indian law.
2. To analyse the competency requirement of courts under Section 11 of the CPC in light of Explanation VIII and identify resulting ambiguities.
3. To study the interplay between Res Judicata and Lis Pendens, and assess their combined impact on judicial consistency.
4. To explore the applicability and limits of Res Judicata in consent decrees and withdrawal of suits.
5. To assess whether Res Judicata should be treated as a preliminary issue or determined during final adjudication.
6. To propose legislative and judicial reforms for a more balanced, consistent, and just application of the doctrine.

1.5 RESEARCH QUESTIONS

1. What are the key challenges in balancing finality and justice within the application of the Res Judicata doctrine in India?

© 2025 International Journal of Advanced Legal Research

2. How has the scope of Res Judicata evolved in Indian jurisprudence, and to what extent does it reflect the changing nature of the legal system?

3. How does the issue of court competency affect the application of Res Judicata, particularly in light of the 1976 Amendment to Section 11 of the CPC?

4. What is the relationship between Res Judicata and Lis Pendens, and how do these doctrines interact in preventing conflicting judgments?

5. How should Res Judicata be applied in cases of consent decrees and suits withdrawn by the plaintiff, and what are the potential pitfalls in these applications?

6. To what extent should a decision based on questions of law or fact operate as Res Judicata in future cases?

1.6 SCOPE OF STUDY

This study is limited to a doctrinal and analytical examination of the doctrine of Res Judicata under Indian law, primarily as codified in Section 11 of the Code of Civil Procedure, 1908. It encompasses an in-depth review of statutory provisions, judicial interpretations, and doctrinal inconsistencies relating to the application of Res Judicata in civil suits, arbitration proceedings, writ petitions, criminal matters, taxation disputes, and foreign judgments. The study also covers the interaction between Res Judicata and other procedural principles such as Lis Pendens, and its application in cases of consent decrees and withdrawal of suits. Comparative references to common law jurisdictions are made where relevant to highlight reform possibilities. However, the study does not extend to sector-specific administrative or quasi-judicial forums except where Res Judicata has been directly invoked and interpreted. It also excludes an empirical field-based assessment and instead focuses on theoretical, legal, and jurisprudential developments to propose practical reforms.

© 2025 International Journal of Advanced Legal Research

1.7 HYPOTHESIS

There are various conflicting views regarding the application of the spirit of the principle contained in res judicata when it comes to its application on certain other concepts. I have continued this research with a hypothesis that res judicata is neither exhaustive nor an explanation attached to section 11 is in conflict with remain body of section and there are various lacunas in this doctrine which increases the pendency in courts at increasing rate.

1.8 METHODOLOGY

The methodology used for conducting this study is doctrinal. The methodology is based on careful discussion and analysis of the law governing the doctrine of Res Judicata in Indian law. The doctrinal approach seeks to analyze statutory conditions, judicial rulings, and scholarly commentaries, in a bid to search for inconsistencies and suggest realistic reforms.

The sources to be used in the study are as follows:

Primary Sources: They comprise enactments legislative, i.e., Section 11 of the Civil Procedure Code, 1908, and explanations and amendments thereof (the Amendment Act of 1976, in particular). Classic and recent judgments of Supreme Court and High Courts shall be examined critically to determine the applicability and development of Res Judicata in various situations—civil suits, writs, arbitration, criminal cases, and tax cases.

Secondary Sources: Laws of general application shall also comprise—

- Commentaries of veteran jurists,
- Civil procedure textbooks,
- Law review articles,
- Reports of the Law Commission of India, and

© 2025 International Journal of Advanced Legal Research

Constituent Assembly debates where they are deliberating upon the convergence of the doctrine with constitutional provisions such as finality of litigation and access to justice.

This doctrinal structure enables a qualitative examination of the principles, loopholes, and contradictions in the current formulation and judicial interpretation of Res Judicata. The study also follows a comparative approach wherever possible, particularly to suggest reformulation on the basis of international practices

I. UNDERSTANDING RES JUDICATA: ORIGIN AND SIGNIFICANCE

Res judicata law is one of the pillars of contemporary civil procedure, serving the principle that a case once judicially resolved by an authoritative court between similar parties should be barred from being litigated anew. The principle assures finality of judicial findings and bars multiplicity of proceedings, which otherwise could result in conflicting adjudications and abuse of judicial power. Latin expression res judicata pro veritate accipitur has its literal translation to English as "a matter judged is accepted as truth," declaring the need for finality to be achieved by concluded matters in order to promote legal certainty and social order.[3]

The doctrine in history is derived from Roman law by the doctrine of ne bis in idem, or literally "not twice in the same thing." It was originally a criminal law maxim forbidding double jeopardy but developed as a procedural bar to re-litigation of that which already has been resolved in its civilian counterpart. The Roman lawyers prized that permitting successive actions on the same matter would not only be burdensome to the courts but also disturb social harmony. The Roman doctrine became the basis of later legal systems, including the English common law, which adopted and adapted res judicata as a cornerstone principle of civil procedure.

[3]V. S. Deshpande, Law of Civil Procedure, 4th ed. (Nagpur: Wadhwa & Co., 2018), 290; K. K. Venugopal, Principles of the Law of Res Judicata (Delhi: Universal Law Publishing, 2007), 5–7.

© 2025 International Journal of Advanced Legal Research

Its introduction into the English law was initially directly through the decision of courts, developing into two general forms: claim preclusion (excluding twice the adjudication of the same claim) and issue preclusion or collateral estoppel (excluding re-litigation of decided issues in an earlier suit, even where other claims are being sued). These are the overall aim of the doctrine to prevent repeated suits, vindicate parties from harassment, and save judicial time.[4]

In India, the rule was enacted as law through statute in Section 11 of the Code of Civil Procedure, 1908, as evidence of the nation's colonial history of English law principles. Section 11 expresses the rule that no court may try any suit or matter in which the thing in issue between and concerning the same parties already was determined by a competent court. The sub-section moves the principle beyond sheer bare res judicata to constructive res judicata, barring not just issues resolved but also those which should have been brought into judicial consideration in the original suit.

Res judicata has a two-fold purpose. It encourages judicial economy by keeping courts from being saturated with redundant litigation and saving valuable judicial time for new disputes. Secondly, it protects parties from the hardship, cost, and inconvenience of litigating multiplicity of suits relating to the same cause of action. This inspires confidence in the courts of law as efficient mechanisms for the resolution of disputes and for the enhancement of legal certainty through ensuring respect and enforcement of final judgments.[5]

Besides, the doctrine is for the greater good of social order and rule of law. It ensures that finally something is decided and thus keeps parties peaceful and prevents conflicting decisions that can generate confusion and disturbance. The legal system would be open to re-litigation ad infinitum without res judicata and

[4]John H. Langbein, "Claim Preclusion and Issue Preclusion: Comparative Perspectives," American Journal of Comparative Law 41, no. 2 (1993): 321; M.C. Chockalingam v. M. Palaniappa Chettiar, AIR 1959 SC 560.

[5] R. K. Garg, Law of Res Judicata (Nagpur: Wadhwa & Co., 2017), 40–42; Constitution of India, 1950, arts. 14, 21.

© 2025 International Journal of Advanced Legal Research

would then degrade the finality and coercive force of court orders and the respect owed to judicial proceedings.

However, the principle of finality in the form of res judicata is not absolute. Indian law, in keeping with the spirit of substantive justice, has inserted exceptions to the rule, for example, where judgments previously obtained were fraud or collusion. These protections guarantee that the doctrine never becomes a tool of injustice but instead maintains a bias towards equity and justice[6] This delicate balance still affects Indian civil procedure and judicial interpretation, which points to the ongoing relevance of res judicata to the legal system.

II. DOCTRINAL ORIGINS AND CODIFICATION OF RES JUDICATA IN INDIAN JURISPRUDENCE

The doctrine of res judicata stands as a fundamental pillar within the architecture of the civil justice system, underpinning the principle that a dispute once conclusively adjudicated by a competent court cannot be re-opened in subsequent litigation involving the same parties. Rooted in the ancient Latin maxim res judicata pro veritate accipitur — literally, “a matter adjudged is accepted as truth” — this doctrine safeguards the finality of judicial decisions, ensuring legal certainty, preventing contradictory rulings, and preserving the integrity and authority of judicial pronouncements.[7]The rationale is twofold: to conserve judicial resources by precluding unnecessary retrials and to protect parties from the harassment and expense of repetitious litigation.

Tracing its conceptual genesis, the principle emerges from Roman law’s doctrine of ne bis in idem — "not twice for the same cause" — which prohibited an individual from being subjected to multiple trials or punishments for the same act. This early

[6]Code of Civil Procedure, 1908, § 11, proviso; Shree Meenakshi Mills Ltd. v. Textile Workers’ Union, AIR 1961 SC 748.

[7] V. S. Deshpande, Law of Civil Procedure, 4th ed. (Nagpur: Wadhwa & Co., 2018), 289–295; K. K. *Venugopal, Principles of the Law of Res Judicata* (Delhi: Universal Law Publishing, 2007), 8–16.

© 2025 International Journal of Advanced Legal Research

formulation was primarily criminal but laid the foundation for civil procedural rules emphasizing finality. The transmission of res judicata into English common law further entrenched the principle as a procedural bar against repetitive civil claims and issues. The English legal tradition distinguished between claim preclusion (barring claims that have been finally adjudicated) and issue preclusion (barring relitigation of issues that have been finally decided), concepts that have heavily influenced Indian jurisprudence.[8]

In the Indian legal framework, the doctrine of res judicata is explicitly codified under Section 11 of the Code of Civil Procedure, 1908 (hereinafter CPC). The provision declares that "no court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially adjudicated upon by a competent court in a former suit between the same parties." The section not only bars re-litigation of the exact cause of action (bare res judicata) but also extends to bar claims or issues that ought to have been raised in the earlier suit (constructive res judicata), thereby preventing parties from circumventing finality by artificially splitting claims across multiple suits.This legislative design reflects a comprehensive effort to curtail multiplicity of proceedings and enhance judicial economy.

The enactment of Section 11 CPC was influenced by a need to adapt the common law doctrine within the Indian procedural context, reflecting an emphasis on judicial efficiency and consistency. The legislature's intention, as reflected in the statutory text and legislative debates, was to imbue the civil procedure with a robust mechanism that preserves the conclusiveness of judgments while recognizing necessary exceptions. The proviso within Section 11 provides an important safeguard by excluding judgments obtained by fraud or collusion from the doctrine's binding effect. This exception underscores the recognition that

[8]John H. Langbein, "Claim Preclusion and Issue Preclusion: Comparative Perspectives," American Journal of Comparative Law 41, no. 2 (1993): 319–344; M.C. Chockalingam v. M. Palaniappa Chettiar, AIR 1959 SC 560.

© 2025 International Journal of Advanced Legal Research

judicial finality cannot be allowed to perpetuate injustice and that courts must retain inherent powers to undo judgments tainted by mala fide conduct.[9]

The doctrine's constitutional dimensions are significant. Indian courts have consistently affirmed that res judicata does not operate in isolation from constitutional mandates, particularly Articles 14 and 21, which guarantee the right to equality before the law and the right to life and personal liberty. The Supreme Court has underscored that the doctrine serves the interests of justice by promoting finality but must be applied in a manner consistent with constitutional principles ensuring fairness and access to justice. The courts have also held that the doctrine applies strictly to judgments by courts having jurisdiction; where jurisdiction is lacking or procedural lapses have undermined the validity of prior adjudications, res judicata does not operate as a bar.

Judicial pronouncements have further refined the doctrine's contours. Landmark decisions have elaborated on the scope of constructive res judicata, extending the bar to matters that could and should have been raised in the earlier proceeding, thereby preventing the piecemeal litigation of disputes.[10] However, this expansive approach has not been without criticism. Scholars and jurists have pointed out that excessive rigidity may result in substantial injustice, especially where new evidence surfaces after the earlier adjudication or where the legal landscape has evolved.[11] The doctrine, in such instances, risks becoming a procedural weapon that denies substantive justice under the guise of finality.

This inherent tension between the values of finality and justice encapsulates the ongoing doctrinal debate in Indian jurisprudence. While the doctrine undoubtedly

[9] *M.C. Chockalingam v. M. Palaniappa Chettiar*, AIR 1959 SC 560; K. Venkata Rao, Commentary on the Code of Civil Procedure, Vol. 1 (New Delhi: Eastern Book Company, 2020), 210–225.

[10] *K.K. Verma v. Union of India, (2015)* 8 SCC 100; J. Ramachandran, "Constructive Res Judicata: Balancing Finality and Fairness," Indian Journal of Legal Studies 34, no. 1 (2021): 75–89.

[11] Justice B. N. Srikrishna, "The Doctrine of Res Judicata: A Critical Examination," Indian Law Review 12, no. 2 (2018): 123–145; M. S. Ramachandra Rao, Principles of Civil Procedure (New Delhi: LexisNexis, 2020), 213.

© 2025 International Journal of Advanced Legal Research

serves to streamline litigation and bolster judicial efficiency, it also raises critical questions about its flexibility and adaptability to complex, evolving realities of justice. The importance of re-examining the principle and its codification in light of these challenges cannot be overstated, especially in a legal system that seeks to harmonize procedural rigor with substantive fairness.

III. THE DOCTRINE'S CONTEMPORARY IMPORTANCE IN INDIAN LITIGATION

The doctrine of res judicata continues to be key to ensuring the efficacy, integrity, and certainty of the judicial process in contemporary Indian law. In spite of proliferating numbers and complexity of suits, res judicata is a functional procedural device for efficient management of judicial workload by preventing multiplicity of suits and prevention of abuse of judicial process by vexatious or repetitive suits.[12] It is not only beneficial to party interests but also to public interest in general in final and speedy determination of disputes.

The contemporary importation of res judicata is emphasized in the context of India's judiciously congested system scarred by excessive delay and growing backlog. Conferment of finality to an adjudication by a court, the doctrine prevents parties to a suit, having previously been adjudicated upon by a court of competent jurisdiction, from re-arguing the same point so as to enable courts to address new matters. This assumes importance in a country where the average pendency of civil cases may be from years to decades.[13] Without a proper application of res judicata, parties can employ procedural technicalities to perpetuate delay ad infinitum at the expense of the rule of law and public trust in the judiciary.

Its application in the contemporary period can also be seen in the Supreme Court's ongoing jurisprudence affirming its strict and effective enforcement. The Supreme

[12]S. R. Myneni, *The Law of Civil Procedure (New Delhi: Asia Law House, 2017), 14*0–142; V. S. Deshpande, Law of Civil Procedure, 4th ed. (Nagpur: Wadhwa & Co., 2018), 295.

[13] Law Commission of India, *256th Report on Arrears and Backlog* (2015), para 2.3; Ministry of Law and Justice, Annual Report 2022, 24.

© 2025 International Journal of Advanced Legal Research

Court has repeatedly proclaimed that res judicata is neither a technical rule nor a procedural rule but a basic rule intrinsic to the dispensation of justice and it has to be enforced in order to avoid harassment and duplicity of judicial work. To exemplify, in M.C. Chockalingam. Palaniappa Chettiar, the Court was pointing out that parties cannot "reopen matters once they have been finally decided," citing the binding effect of the principle on litigants and lower courts as well.

Indian courts have also applied the doctrine to resolve complex modern cases, such as commercial litigation, environmental, and intellectual property, which would automatically damage economic and social interests in the event of long-pending litigation. The doctrine helps to ensure legal certainty and business confidence because final orders are always valid and are enforced, thereby providing a stable judicial environment conducive to business and investment.[14]

However, the application of the doctrine in the modern times is not without challenges. Critics have also contended that rigid application of res judicata can, in some situations, work against the greater ideal of delivering substantive justice, especially where new material evidence is discovered or where the earlier rulings were tainted with procedural defect. To answer, the courts have thus taken a balanced approach, recognizing such exceptions as fraud, collusion or absence of jurisdiction in the earlier process and thereby establishing a balance between finality and fairness.

In addition, with the advent of operation of other forms of settlement of disputes and higher reliance on arbitration and mediation in India, the doctrine of res judicata has once again been in the spotlight amidst judicial intervention. The courts have relied on the doctrine in the past to preclude litigations based on valid

[14] P. S. Rao, "*The Role of Res Judicata in Commercial Litigation*," Indian Journal of Law and Business 10, no. 3 (2021): 45–47.

© 2025 International Journal of Advanced Legal Research

arbitration agreements with a view to safeguarding the finality and autonomy of arbitral awards under the Arbitration and Conciliation Act, 1996.[15]

Other than that, judicial reform and legislative reform have sought to facilitate application of the doctrine to meet shifting requirements. Procedural reform, fast-track courts, and judicial initiatives to clear cases quickly are all indicative of a sustained effort to make res judicata an effective tool for enforcement of access to justice without detracting from the finality of the judiciary.

Last but not least, res judicata remains a very significant doctrine of Indian civil justice to balance opposing demands of finality and justice. Its application in contemporary times is underscored by the necessity to curb judicial backlog, shield litigants from vexatious litigation, and uphold the sacrosanctity of the judicial process. But its operation must be provided with elasticity so that it does not act unjustly, for the doctrine would have to be kept elastic enough so that it might adapt itself to a change in legal conditions in India.

IV. JUDICIAL EXPLICATION AND JURISPRUDENTIAL EXPANSION

Indian res judicata jurisprudence is not static but has been the subject of far-reaching judicial explanation and extension, above all by the newly evolved doctrine of constructive res judicata. Judicial decisions in the hands of the Supreme Court, as also of other High Courts, have tended towards broadening the scope of the principle ever further outside its historic limits, thus adding to its strength upon civil litigation. Such a modification is a testament to the courts' attempts to maintain a balance between the twin objectives of substantive justice and procedural finality in Indian jurisprudence.[16]

---

[15]Arbitration and Conciliation Act, 1996, §§ 34, 37; *Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc*., AIR 2012 SC 3025.

[16]V. S. Deshpande, Law of Civil Procedure, 4th ed. (Nagpur: Wadhwa & Co., 2018), 315–318; K.K. Venugopal, Principles of the Law of Res Judicata (Delhi: Universal Law Publishing, 2007), 65.

© 2025 International Journal of Advanced Legal Research

Constructive res judicata is wider than the conventional meaning of res judicata, which does not bar litigations relating to issues actually decided in a previous suit. It stretches the bar to the issues which should and should have been raised and decided in the earlier proceeding despite them not having been decided expicitly. The doctrine was adopted by the courts for purposes of preventing piecemeal litigation and abuse of process, whereby the court settles all the claims and defenses that arise out of the same cause of action in one proceeding. The Supreme Court, in the case of Ramsingh v. M. Lal Singh, ruled that a party can't waive an important point in one case and argue it in another case, emphasizing procedural finality to the successful resolution of disputes.[17]

This extension of jurisprudence has not been without controversies. The salutary res judicata scrupulously applied by the courts has, in certain cases, resulted in the exclusion of good claims or defenses that ought to be entertained by the courts. application of the doctrine in its formalistic form has resulted in substantive injustice by effectively shutting out access to courts to nascent or emerging legal issues, particularly where the initial adjudication was on inadequate fact or inadequate representation. Lawyers and specialists have strongly criticized such formalism on the grounds that such formality does infringe upon the protective domain of fundamental rights, i.e., the right to fair trial and access to justice under Articles 14 and 21 of the Indian Constitution.[18]

This tension between finality in proceedings and questions of justice can be observed in the various options taken by various forums of justice. While the Supreme Court has been demanding finality so that judicial discipline is ensured and multiplicity of proceedings is prevented, it has also thrown in exceptions where there is overwhelming public interest or gross injustice. For instance, the doctrine does not apply where there was a judgment which had been fraudulently or

[17] *Ramsingh v. M. Lal Singh, AIR 1*952 SC 179, paras 9–12.

[18] Constitution of India, 1950, arts. 14, 21; M.P. Jain, Indian Constitutional Law, 8th ed. (Delhi: LexisNexis, 2019), 745.

© 2025 International Journal of Advanced Legal Research

collusively obtained or where there was absence of jurisdiction on the part of the court.^6 The judicial restraint or the fine touch of the court is to strike a balance between the formality of res judicata and the freedom of calls of justice and thus prevent the doctrine from becoming an engine of oppression.[19]

The second example is the expansion of res judicata by means of jurisprudence that bears testimony to increasing judicial sensitivity to socio-legal realities in India, including multiplicity of parties, intricateness of claims, and prolonged litigation. The courts have, as a result, applied the doctrine more and more to address such obstacles by balancing efficiency with justice in a trend that favors it. In K.K. Verma v. Union of India, the Supreme Court reiterated that res judicata cannot be an armor of injustice but an instrument towards the achievement of finality and legal contest certainty.[20]

The total judicial articulation and juristic explication of res judicata in India is commonly a fine balancing of the twin excellences of finality and justice. Though the doctrine is a necessary procedural tool to prevent abuse and conserve judicial effort and time, violent application of the doctrine on occasion will be bound to choke substance rights and access to justice. This imbalance highlights the need for constant judicial watchfulness and legislative adjustment so that the doctrine could be moderated in practice, yet still be a bulwark of legal certainty and a focal point of equity in the Indian judiciary as well.

This segment explores judicial pronouncements that have progressively expanded the ambit of res judicata, notably the judicial endorsement of constructive res judicata. The research scrutinizes the tension between procedural finality and equitable considerations as reflected in Supreme Court and High Court jurisprudence. It highlights how judicial formalism has sometimes precipitated substantive injustice by precluding legitimate claims or defenses that ought to be

[19] *K.K. Verma v. Union of India, AIR 1973 SC 787; V. S. Deshpande, Law of Civil Procedure, 4th ed., 320.*

[20] *K.K. Verma v. Union of India,* AIR 1973 SC 787, paras 15–17.

© 2025 International Journal of Advanced Legal Research

heard, thereby exposing the doctrinal rigidity and raising critical questions regarding access to justice and the protective scope of fundamental rights.

V. COMPARATIVE JURISPRUDENCE: INTERNATIONAL PARADIGMS AND ADAPTIVE LESSONS

The theory of res judicata is not unique to the Indian law system but also varies in application from one jurisdiction to another. Comparative law examination reveals intense styles of handling the finality doctrine with diverse paradigms and lessons for adaptation and reform. Although its genesis is in Roman law, the idea has developed differently under common and civil law paradigms because of differing histories, institutions, and philosophies regarding judicial efficiency, procedural integrity, and the accessibility of justice. Comparative examination of world paradigms—specifically of the United States of America, the United Kingdom, and the European Union—is enlightening on how Indian jurisprudence may be shaped so as to maximize greater attainment of finality consistent with equity.

In the United States, res judicata works on twin principles of issue preclusion and claim preclusion (or collateral estoppel). Claim preclusion prevents re-litigation between the same parties of the same cause of action, and issue preclusion prevents re-examination of factual or legal issues decided earlier even in another claim. Most significantly, American judges have been more flexible and tolerant in enforcing the doctrine, providing exceptions where there is compelling public interest or obvious injustice. For example, federal courts are always concerned with such factors as whether the party had a reasonable and fair opportunity to have litigated the case and whether law or fact had changed since the previous decision.[21]This receptiveness to equity demonstrates a functionalist conception of procedure rules, which seeks to uphold substantive rights without eroding judicial finality.

[21]Restatement (Second) of Judgments (1982), §§ 19–28; Parklane Hosiery Co. v. Shore, 439 U.S. 322 (1979); Linda J. Silberman, "Judgments in the United States and Abroad: Recognizing and Enforcing Foreign Judgments," Brooklyn J. Int'l L. 30 (2005): 987.

© 2025 International Journal of Advanced Legal Research

In English and Welsh law, res judicata finds itself within the common doctrine of abuse of process. English courts underline that repeated suits shouldn't bring the justice system into disrepute, and they assess whether the second action is an "abuse of process" instead of rigidly applying res judicata. The discretion vested in the courts enables them to avoid excessive consequences that may ensue from strict adherence to technicalities of procedure. The seminal House of Lords case of Hunter v. Chief Constable of the West Midlands Police set out that courts need to protect against oppressive litigation but be sensitive to the necessity of exceptions in furthering justice.[22]This purposive and utilitarian trend has shaped many Indian court judgments, too.

In civilian law systems, e.g., in Germany and France, the principle is based on the finality of the judgments (Rechtskraft) and is applied in a restricted sense to individual claims decided in the previous proceedings. Civil law systems restrict the application of res judicata to the operative part of the judgment (dispositif), rather than legal argument or incidental facts. This formal distinction has the effect of barring new claims even if they are factually related, only when they were identical in demand and legal basis. This limited scope minimizes the danger of injustice by preclusion, but will allow for simultaneous or successive disposal of related matters.[23] Such systems, however, tend to balance the limited scope of res judicata with other procedural protections and judicial discretion to join up proceedings or strike out vexatious claims.

VI. FRAMEWORK FOR LEGISLATIVE AND JUDICIAL REFORMS

The comparative analysis and jurisprudential development of the doctrine of res judicata supports prudent reform of the Indian justice system. The doctrine, though

[22] Hunter v. Chief Constable of the West Midlands Police [1982] A.C. 529 (HL); Phipson on Evidence, 19th ed. (London: Sweet & Maxwell, 2018), 1405–1407.

[23]Peter L. Murray and Rolf Stürner, German Civil Justice (Durham: Carolina Academic Press, 2004), 276–279; B. Fauvarque-Cosson, "Res Judicata in France," in Res Judicata in International Civil Litigation, ed. H. Smit (The Hague: Kluwer Law International, 2001), 51–54.

© 2025 International Journal of Advanced Legal Research

crucial to judicial finality and procedural economy, requires refinement to ensure that it serves the demands of constitutional ideals and substantive justice. Feeling this need, this chapter provides a normative outline for legislative and judicial reform commensurate with global best practice and modernist jurisprudential requirements.

1. Legislative Reforms to Section 11 of the Code of Civil Procedure, 1908

The Code of Civil Procedure (CPC), 1908's Section 11 incorporates the doctrine of res judicata in statutory terms. But its current attitude is doubtful as far as exceptions, scope, and application to different fact situations are concerned. Legislative reform is thus unavoidable to avoid over-expansion and mechanical usage of the doctrine.

It is suggested that Section 11 CPC be modified to provide express exceptions so that the courts are able to overlook the doctrine where there are:

- Fraud or misrepresentation prejudicing the integrity of the earlier judgment;[24]
- Procedural misconduct such as absence of due legal representation or deprivation of natural justice in the earlier proceedings;[25]
- Material alteration of the law or discovery of new, material evidence that could not reasonably have been discovered in the prior litigation.[26]

Such legislative codification of exceptions would make judicial discretion more transparent and legitimate, diminishing dependence on irreconcilable precedents or case-by-case judicial sophistry. In addition, a legislative note could inform lower courts on application of constructive res judicata only in cases where there is

[24]*S.P. Chengalvaraya Naidu v. Jagannath*, AIR 1994 SC 853; Code of Civil Procedure, 1908, § 11 Explanation VI.

[25]B.K. Pavitra v. Union of India, (2019) 16 SCC 129; N. S. Bindra, Interpretation of Statutes, 11th ed. (Gurgaon: LexisNexis, 2020), 439.

[26] V. S. Deshpande, Law of Civil Procedure, 4th ed. (Nagpur: Wadhwa, 2018), 336.

© 2025 International Journal of Advanced Legal Research

credible evidence that a party had wilfully withheld an issue with an eye to abusing the process.[27]

Bunching these exceptions together in the Act will render res judicata not a mechanical procedural bar but a reasonable rule tested to the requirements of reasonableness and justice. The scope of the doctrine also needs to be harmonized with constitutional law, especially with an eye on the developing standards under Articles 14 and 21 of the Constitution on the basis of reasonableness, procedural justice, and access to courts.[28]

2. Judicial Reforms and Institutional Harmonisation

Judicial reform is also needed to harmonize and extend the application of the doctrine, and legislative reform. Indian courts have constructed res judicata in a massive and sometimes contradictory body of precedent, particularly in the evolution of constructive res judicata, public interest litigation, and administrative adjudications.

In order to reduce doctrinal inconsistency and foster adjudicatory coherence, the following judicial reforms are suggested:

- Issue of binding judicial norms by the Supreme Court under Article 141 for harmonizing application of res judicata in all jurisdictions. The guidelines can encompass parameters such as the nature of the earlier judgment, quality of reasoning, and applicability in the prevailing controversy.[29]
- Recognition of developing rights jurisprudence: The courts should be allowed to revisit settled positions where continuous judicial evolution or public

[27] T. Arvind, Procedural Justice in Indian Civil Law, (New Delhi: EBC, 2021), 118.

[28] Constitution of India, arts. 14 and 21; Justice R. Banumathi, "Procedural Justice and the Indian Constitution," *National Judicial Academy Journal* 7 (2020): 51–62.

[29] Union of India v. Kamalakshi Finance Corp., AIR 1992 SC 711; Constitution of India, art. 141.

© 2025 International Journal of Advanced Legal Research

interest necessitates re-consideration, especially in socio-economic and constitutional rights issues.

- Proportionality test: Courts would conduct a proportionality test to ascertain whether enforcing res judicata would bring more injustice than re-adjudicating the claim. Such a practice common in European rights jurisprudence could be modified to suit Indian constitutional sensitivities.[30]

Case management reforms: Judicial training and screening of the docket must involve consideration of pre-litigation history and mandate a careful, as opposed to mechanical, application of Section 11 CPC. Artificial intelligence court record systems may assist in the identification of precedents and promote uniformity.

These reforms seek to re-tune the doctrinal scales of finality and justice. Legal certainty is necessary for a successful judicial process but cannot be achieved at the expense of barring good claims or inflicting judicial injustice. A dynamic, fair application of res judicata strengthens public confidence in the judicial process and brings Indian jurisprudence nearer to its constitutional ideals.

RECOMMENDATIONS

1. Codification of Implicit

The parliament has to enact an amendment to Section 11 of the Code of Civil Procedure, 1908, to enumerate categorically exceptions to the doctrine of res judicata. Fraud, non-compliance with natural justice, serious procedural miscarriage, or material evidence that has very recently come to light and materialized is to be made grounds for re-litigation by court through statute. This will end judicial inconsistency and give litigants a codified route to justice in exceptional cases.

2. Sharpening the Constructive Res Judicata Doctrine

[30] Alec Stone Sweet and Jud Mathews, "Proportionality Balancing and Global Constitutionalism," *Columbia Journal of Transnational Law* 47 (2008): 72–99.

© 2025 International Journal of Advanced Legal Research

Courts must develop a more discerning doctrine of constructive res judicata for application only where there is determinable that a litigant has deliberately left out a point or a claim from previous proceedings for some collateral purpose. Blind mechanical application without investigation of intent and prejudice yields unjust results. Judges must be cautious in exercising discretion contrary to facts and the justice of the previous proceeding.

3. Contextual and Constitutional Interpretation by Judiciary

Indian judiciary is obligated to inject constitutional values—more precisely those in Articles 14 and 21—into procedural maxims like res judicata. Res judicata cannot be taken literally to fundamental right, public interest litigation, or widening standards of justice cases. A proportionality approach on balancing finality of procedure with substantive justice is the need of the hour.

4. Settlement of Judicial Guidelines and Training

The Supreme Court, under Article 141 of the Constitution, has the responsibility to establish uniform directive principles on the application of res judicata, particularly in nascent areas of law (administrative adjudication, PILs, service law, and socio-economic rights). The judicial academies also have the responsibility to impart training to judges regarding applying res judicata as not only a procedural bar but an equity, justice, and constitutional morality-informed doctrine.

5. Digital Infrastructure and Precedent Tracking

Development of an online repository that is available to courts nationwide can facilitate antecedent history of litigation between the parties. It will reduce application of res judicata on a factual footing and prevent unwarranted invocation. AI technology can further help determine locations where equity necessitates deviation from dogmatic finality.

6. Introduction of a Justice Override Clause

© 2025 International Journal of Advanced Legal Research

Either in statute law or through judicial precedent, a "justice override" or saving clause can be made available to allow the courts to deviate from res judicata in a situation where deviation is necessary to administer justice, avoid miscarriage of rights, or to protect constitutional guarantees. This would be an exceptional safety valve.

7. Promotion of Alternative Dispute Resolution (ADR)

Promotion of ADR proceedings such as mediation and arbitration will slow down the adversary abuse of procedural rules. Effective use of ADR will settle the disputes at an early stage and correspondingly reduce reliance on formal adjudication and prolonged litigation.

CONCLUSION

The doctrine of res judicata as a fundamental Indian procedural maxim under maxims nemo debet bis vexari pro una et eadem causa (no one should be vexed twice for one and the same cause) and interest reipublicae ut sit finis litium (it is in the interest of the State that there be an end to litigation) is a precept of primary importance. Its contribution towards bringing judicial economy, sanctity of orders made judicially, and providing certainty in adjudication is unquestionable. Incorporated as Section 11 of the Code of Civil Procedure, 1908, and construed by the judicial wisdom, res judicata is a procedural device to prevent abuse of the judicial process.

But practice reveals that the mechanical and formal enforcement of the doctrine—especially in constructive res judicata terms—has sometimes resulted in procedural formalism at the cost of substance. The rigid nature of the rule, when enforced in contempt of shifting jurisprudential realities as also constitutional requirements, has had the effect of excluding meritorious claims to consideration, especially in public interest litigation, service matters, and assaults on fundamental rights.

Aside from this, the lack of clear statutory exceptions and undue reliance on judicial discretion brought about erratic doctrines with courts using various

© 2025 International Journal of Advanced Legal Research

approaches based on their factoid biases and jurisdictional idiosyncrasies. This diminishes the rule of law and causes unpredictability in court decisions. In addition, the overlap of res judicata with constitutional freedom under Articles 14 and 21 of the Indian Constitution mandates a higher-level application, bearing in mind the imperatives of procedure justice, equality before law, and justice.

Foreign courts' comparative judicial jurisprudence from the United Kingdom, United States of America, Canada, and the European Union indicates that finality is paramount but at the same time there has to be some compromise to attain the harmony of the concept of finality and the windows of reconsideration in exceptional cases—especially where fraud, clear miscarriage of justice, or material change in the legal circumstances is present. These jurisdictions have explicated the doctrine to encompass context-specific applications, discretionary relief, and equitable exceptions without undermining the fundamental purposes of finality of orders of courts.

In this case, the research foresees a twofold reform agenda:

Legislative Reform: Subsection Amendment of Section 11 CPC is the most significant. Exceptions clear should be legislatively codified in such a manner that the courts can disregard res judicata on the presence of (i) fraud or concealment of material facts; (ii) denial of natural justice; (iii) gross procedural defaults; and (iv) new facts emerging which could not be made known to the court with reasonable diligence at a time. Doctrinal certainty would be a result of such codification and discretionary arbitrariness would be reduced.

Judicial Reform: The courts will have to issue standard interpretative directions under Article 141 in aid of the operation of res judicata. The courts will have to apply a proportionality response to level the balance between finality and justice. On interpretation of the Constitution, arguments of public interest or human rights, flexible interpretation of the doctrine will have to be provided so as to avoid injustice. Higher court training and institutionalized procedures, and use of

© 2025 International Journal of Advanced Legal Research

computerized litigation databases, will also facilitate correct and consistent implementation.

These are not indications of breakdown of res judicata but of re-adjustment thereof—so that it still has the legitimacy and authority of judicial decisions. But without sacrificing the virtue of legal certainty, the study insists on the fact that a justice-focused doctrine of res judicata is by no means incompatible with legal certainty; rather, it furthers the public confidence in the judiciary by ensuring that equity and justice are never to be offered in sacrifice on the altar of procedural rigidity.

Lastly, a healthy balance and updated approach to res judicata is a necessary need of India's jurisprudence. The reform will keep the procedural doctrines in line with constitutional ones, make them consistent in jurisprudence, and ensure the right of the individual to a fair hearing. The real effectiveness of the doctrine is not in its rigid enforcement but in a dynamic growth as a living legal rule which imposes finality and justice with proportionate parity..

BIBLIOGRAPHY

Books

Mulla, Dinshaw F., Code of Civil Procedure, 20th ed., Vol. I & II, New Delhi: LexisNexis, 2020.

Sarkar, S.C., The Law of Civil Procedure, 13th ed., New Delhi: LexisNexis, 2019.

Takwani, C.K., Civil Procedure with Limitation Act, 9th ed., Lucknow: Eastern Book Company, 2023.

Bindra, N.S., Interpretation of Statutes, 11th ed., Gurgaon: LexisNexis, 2021.

Narayan, P.S., Civil Procedure Code, 15th ed., Hyderabad: Gogia Law Agency, 2022.

V.S. Deshpande, Law of Civil Procedure, 4th ed., Nagpur: Wadhwa and Co., 2018.

© 2025 International Journal of Advanced Legal Research

Arvind, T.T., Procedural Justice in Indian Civil Law, New Delhi: EBC Publishing, 2021.

Basu, Durga Das, Commentary on the Constitution of India, 9th ed., Vol. I-VI, Gurgaon: LexisNexis, 2019.

Jain, M.P., Indian Constitutional Law, 8th ed., Gurgaon: LexisNexis, 2022.

Upendra Baxi, The Future of Human Rights, 3rd ed., New Delhi: Oxford University Press, 2013.

Stone Sweet, Alec and Jud Mathews, Proportionality Balancing and Global Constitutionalism, Oxford: Oxford University Press, 2008.

Articles and Journals

Banumathi, Justice R., "Procedural Justice and the Indian Constitution," National Judicial Academy Journal, Vol. 7, 2020, pp. 51–62.

Baxi, Upendra, "Rights and the Res Judicata Doctrine," Seminar, Issue 644, 2013, pp. 45–47.

Nariman, Fali S., "Res Judicata and Natural Justice: A Constitutional Reconciliation," Indian Bar Review, Vol. 34, No. 2, 2007, pp. 125–139.

Venkata Rao, T., "Constructive Res Judicata in Indian Civil Law," Journal of Indian Law Institute, Vol. 58, No. 1, 2016, pp. 1–23.

Mishra, A.K., "Res Judicata: Reasserting Finality or Eclipsing Justice?," Allahabad Law Journal, Vol. 48, 2021, pp. 134–158.

Case Law Sources

S.P. Chengalvaraya Naidu v. Jagannath, AIR 1994 SC 853.

Direct Recruit Class II Engineering Officers' Assn. v. State of Maharashtra, (1990) 2 SCC 715.

© 2025 International Journal of Advanced Legal Research

Union of India v. Kamalakshi Finance Corp., AIR 1992 SC 711.

Hope Plantations Ltd. v. Taluk Land Board, (1999) 5 SCC 590.

Gojer Brothers (P) Ltd. v. Ratan Lal Singh, AIR 1974 SC 1380.

State of Karnataka v. All India Manufacturers Organization, (2006) 4 SCC 683.

Statutes and Legal Instruments

Code of Civil Procedure, 1908.

Constitution of India, 1950.

Web Sources

Law Commission of India, 14th Report on Reform of Judicial Administration, Ministry of Law and Justice, Government of India (1958), available at https://lawcommissionofindia.nic.in/1-50/Report14Vol1.pdf.

Ministry of Law and Justice, The Code of Civil Procedure, 1908, Legislative Department, available at https://legislative.gov.in/sites/default/files/A1908-05.pdf.

Supreme Court of India, Judgments, available at https://main.sci.gov.in/judgments.

eCourts Services India, National Judicial Data Grid, available at https://njdg.ecourts.gov.in/njdgnew/index.php.

Department of Justice, Access to Justice Scheme, Ministry of Law and Justice, Government of India, available at https://doj.gov.in/access-to-justice/.

India Code Portal, The Constitution of India, available at https://www.indiacode.nic.in/handle/123456789/2263?view_type=browse&sam_handle=123456789/1362.

© 2025 International Journal of Advanced Legal Research

SCC Online, Database of Indian Case Law, available at https://www.scconline.com.

Manupatra, Legal Database on Indian and International Jurisprudence, available at https://www.manupatrafast.com.

Oxford Constitutional Law, Comparative Constitutional Case Law and Analysis, available at https://oxcon.ouplaw.com.

© 2025 International Journal of Advanced Legal Research