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Learn in a Minute: Res Sub Judice under Section 10 of the Civil Procedure Code

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Introduction

The doctrine of res sub judice is an essential principle in civil litigation that prevents multiple suits on the same subject matter between the same parties from being simultaneously adjudicated by different courts.

Enshrined in Section 10 of the Code of Civil Procedure, 1908 (CPC), this doctrine ensures judicial economy, prevents contradictory verdicts, and safeguards litigants from unnecessary harassment due to parallel proceedings.

Meaning and Purpose of Res Sub Judice

The Latin term res sub judice translates to “a matter under judicial consideration.” The doctrine aims to avoid conflicting decisions by ensuring that once a suit on a particular subject matter is pending before a competent court, no other court should entertain a subsequent suit on the same matter between the same parties.

This principle maintains consistency in judicial outcomes and upholds the integrity of the judicial process. It also serves to prevent multiplicity of litigation, which could lead to wastage of judicial resources and unnecessary expenses for the parties involved.

Section 10 of the Civil Procedure Code

Section 10 of the CPC states:

“No Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title, where such suit is pending in the same or any other Court in India having jurisdiction to grant the relief claimed, or in any

Court beyond the limits of India established or continued by the Central Government and having like jurisdiction, and where such Court is of competent jurisdiction to grant the relief claimed."

The doctrine of res sub judice, codified under Section 10 of the Code of Civil Procedure, 1908, prevents multiple suits on the same subject matter between the same parties from being tried simultaneously in different courts. It ensures judicial efficiency, prevents contradictory rulings, and avoids unnecessary litigation.

Essential Ingredients of Section 10

For the application of Section 10, the following conditions must be met:

1. The subject matter in both suits must be directly and substantially the same.
2. The earlier suit must be pending before a competent court.
3. The parties to both suits must be identical or litigating under the same title.
4. The court where the previous suit is pending must have jurisdiction to grant the relief sought.
5. The latter suit must not proceed until the disposal of the former suit.

Scope and Applicability of Section 10

- The doctrine applies only to civil suits and does not extend to criminal or administrative proceedings.
- It is a procedural provision, meaning it does not bar the filing of a second suit but only stays its trial.
- Section 10 applies even if the two suits are pending in different courts within India, provided both courts have jurisdiction.
- The provision does not prohibit the filing of an appeal or revision against an interlocutory order in the first suit.

Case Laws on Res Sub Judice

Indian Bank v. Maharashtra State Co-operative Marketing Federation Ltd.

In this case, the Supreme Court of India clarified that Section 10 does not bar the institution of a subsequent suit but only suspends its trial. The court emphasized that the object of Section 10 is

to prevent courts of concurrent jurisdiction from simultaneously trying two parallel suits, leading to contradictory verdicts.

National Institute of Mental Health and Neuro Sciences v. C. Parameshwara

The Supreme Court held that for Section 10 to apply, the subject matter in both suits must be directly and substantially the same. A mere similarity in issues does not attract the bar under Section 10.

M/S Pukhraj Jain v. Gopal Krishna

The court ruled that if a previously instituted suit is pending, any new suit filed in another competent court on the same matter should be stayed to prevent judicial conflict.

Distinction between Res Sub Judice and Res Judicata

While res sub judice under Section 10 applies to cases pending before a court, res judicata under Section 11 of CPC deals with cases that have already been decided.

Edit FeaturesRes Sub Judice (Section 10)Res Judicata (Section 11) MeaningPrevents parallel litigation on the same issuePrevents re-litigation of a matter already decided Time of ApplicationWhile the first suit is still pendingAfter the first suit has been decided EffectStays proceedings of the subsequent suitBars the institution of a fresh suit ScopeProcedural provisionSubstantive provision

Exceptions to Application of Section 10

1. If the second suit is based on a distinct cause of action, Section 10 does not apply.
2. If the reliefs claimed in both suits are different, the subsequent suit may proceed.
3. The court may grant interim relief in the subsequent suit even if the trial is stayed.
4. PILs are not barred by Section 10 as they involve matters of public concern.

Conclusion

The doctrine of res sub judice plays a crucial role in the administration of justice by preventing parallel proceedings and ensuring consistency in judicial decisions. Section 10 of the CPC enforces this principle by staying subsequent suits that involve the same matter in issue as a

pending suit.

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