

'Res judicata' cannot be decided in an application filed under Order VII Rule 11 of CPC for rejection of a plaint

The Supreme Court in the case of **Pandurangan v. T. Jayarama Chettiar** [Civil Appeal No. 7743 of 2025] dated **July 14, 2025**, has held that res judicata is an issue to be decided in trial and cannot be summarily decided in an application to reject the plaint. In short, a plea of 'res judicata' cannot be decided in an application filed under Order VII Rule 11 of the Code of Civil Procedure for rejection of a plaint.

The Apex Court also referred to the decisions in the case of *Keshav Sood v. Kirti Pradeep Sood* [Civil Appeal No. 5841 of 2023] as well as *V. Rajeshwari v. T.C. Saravanabava* [(2004) 1 SCC 551] to reiterate that identifying similarity in causes of action should be a matter for trial where documents from the first suit are studied and analysed. Hence, res judicata cannot be decided merely on assertions made in the application seeking rejection of plaint.

Link

https://api.sci.gov.in/supremecourt/2021/11882/11882_2021_7_1501_62291_Judgement_14-Jul-2025.pdf