

**HAR NARAYAN TEWARI (D) THR.  
LRS.**

**Verses**

**CANTONMENT BOARD, RAMGARH  
CANTONMENT & ORS.**

**2024 Supreme Court**

**On Res-judicata between the co-  
defendants.**

**Facts- plaintiff filed a suit for declaration of his title and possession over the suit property against the defendant and further restraining the defendant from interfering with the possession of the plaintiff.**

**The dispute is with regard to a small parcel of land measuring 0.30 acers which the plaintiff claims to be have been settled by the Raja who has been the owner of the said land in the year 1942.**

**The suit of the plaintiff was decreed by the trial court. On appeal the**

**Maharanis claim-**

**In 1964, Maharani, the wife of the Raja, instituted a Title Suit No.8/64,**

inter alia, for declaration of her title over 5.38 acres of the land of the village including 0.30 acres land of the plaintiff-appellant. The aforesaid claim was made on the basis of the maintenance grant allegedly made by the Raja in her favour.

In the earlier Suit No. 8/64 instituted by Maharani, her claim was that she is the lawful owner of the entire 5.38 acre of land of Village Ramgarh, on the basis of the maintenance grant made in 7 her favour by the Raja. In the said suit, the plaintiff appellant was defendant no. 32 and the Cantonment Board, Ramgarh was defendant No. 1. The claim set up by Maharani was not accepted and ex-

facie there was no adjudication regarding the rights of the co-defendants over the suit land viz 0.30 acres of land of plot Nos. 432 and 438 as claimed by the plaintiff-appellant in the present suit. The limited issue therein was whether the Maharani had acquired any right in the above entire property on the basis of maintenance in grant alleged to be executed by the Raja in her favour. There was no issue as to whether the suit land as claimed by the plaintiff-appellant belonged to him or was settled or not settled in his favour as claimed.

**Govindammal (Dead) by Legal  
Representatives and Ors. vs.  
Vaidiyanathan and Ors. (2019) 17  
SCC 433**

It is a settled law that the principle of res judicata is applicable not only between the plaintiff and the defendants but also between the co-defendants. In applying the principle of res judicata between the co-defendants, primarily three conditions are necessary to be fulfilled, namely,

- (i) there must be a conflict of interest between the co-defendants;

- (ii) there is necessity to decide the said conflict in order to give relief to plaintiff; and**
  - (iii) there is final decision adjudicating the said conflict.**
- Once all these conditions are satisfied, the principle of res judicata can be applied inter se the co defendants.**