

## **SAME CAUSE OF ACTION AND BETWEEN THE SAME PARTIES**

If proceedings involving the same parties and same cause action are already initiated elsewhere when proceedings are commenced before it unless the jurisdiction of the other court is not established, the Admiralty court will dismiss the suit.

Admiralty law, like other branches of civil law, adheres to principles designed to prevent duplicative litigation. One of the key principles is that a court will generally not entertain a suit if the same cause of action between the same parties is already the subject of proceedings before another competent court. This principle seeks to avoid conflicting judgments, forum shopping, and unnecessary expenditure of judicial resources. In the context of admiralty law, where international disputes and multiple jurisdictions often overlap, this rule becomes even more significant.

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 ("Admiralty Act, 2017") governs the jurisdiction of Indian courts in maritime claims. The principle of non-entertainment of duplicative suits finds expression in this statute, supported by both Indian and international case law. Admiralty courts, by their very nature, deal with claims that may involve multiple jurisdictions, and as such, they must be cautious to ensure that a case is not already being adjudicated elsewhere.

### **II. Legal Principle: Res Sub Judice**

Under the Code of Civil Procedure, 1908 (CPC), the principle of res sub judice is enshrined in Section 10, which provides that no court shall proceed with a trial of any suit in which the matter in issue is directly and substantially in issue in a previously instituted suit between the same parties under the

same title, in the same or any other court having jurisdiction. This principle, which prevents the simultaneous trial of two suits on the same cause of action, applies equally in admiralty courts through the provisions of the Admiralty Act, 2017.

The Admiralty Act, 2017 does not expressly codify this principle, but the general principles of civil procedure are applicable, including the doctrine of res sub judice. This means that if a maritime claim involving the same parties and the same cause of action is already pending before another competent court, the Admiralty Court would generally dismiss the new suit unless exceptional circumstances justify its continuation.

### III. Dismissal of Admiralty Suits for Same Cause of Action

In admiralty law, this principle is particularly important because maritime claims often involve multiple jurisdictions. For example, a ship may be arrested in one jurisdiction, while proceedings concerning the same claim are ongoing in another. Admiralty courts must determine whether the jurisdiction of the other court is established, and if so, whether it should decline to hear the case to avoid duplicative litigation.

**Jurisdiction of Other Courts:** The first issue the Admiralty Court must consider is whether the other court has valid jurisdiction over the matter. If the jurisdiction of the other court is not established, the Admiralty Court may decide to proceed with the suit. Conversely, if the other court has valid jurisdiction, the Admiralty Court will likely dismiss the suit to avoid duplicative litigation.

**Forum Non Conveniens:** Indian admiralty courts also apply the doctrine of forum non conveniens, which allows a court to dismiss or stay a suit if another forum is more appropriate for the case. This doctrine is closely related to the principle of non-entertainment of duplicative suits, as it

empowers the court to decline jurisdiction if the same matter is being litigated elsewhere.

In *MV Elisabeth and Ors v Harwan Investment and Trading Pvt. Ltd.* (1993), the Supreme Court of India laid down that Indian courts should be cautious when assuming jurisdiction over a matter that is already being litigated in another jurisdiction, reinforcing the importance of avoiding forum shopping and conflicting judgments.

**Anti-Suit Injunctions:** In some cases, admiralty courts may issue an anti-suit injunction to prevent parties from litigating the same matter in another jurisdiction. This is a discretionary remedy, and courts will consider factors such as the interest of justice, the balance of convenience, and whether the foreign proceedings are vexatious or oppressive. An anti-suit injunction effectively preserves the jurisdiction of the court by preventing parallel proceedings.

**International Recognition of Judgments:** International principles regarding the recognition of foreign judgments also play a role in deciding whether a suit should be dismissed due to the pendency of proceedings in another jurisdiction. Indian admiralty courts may refuse to hear a case if they are satisfied that a judgment from a foreign court on the same matter would be recognized and enforced in India, as per the provisions of the Code of Civil Procedure, 1908 (CPC) and relevant international treaties.

#### IV. Case Law on Same Cause of Action and Between the Same Parties

Several Indian and international case laws support the principle that admiralty courts should not entertain suits involving the same cause of action between the same parties if proceedings are already ongoing in another competent court.

*MV Fortune Express v Unison Marine Ltd* (2017): In this case, the Bombay High Court dealt with the issue of concurrent proceedings in different jurisdictions. The court emphasized that where a suit involving the same cause of action and parties is already pending before another court, the admiralty court should refrain from proceeding with the case, unless the jurisdiction of the other court is uncertain or inadequate.

*The Siskina* (1979): This UK case highlighted the principle that courts should not allow parties to initiate multiple suits on the same cause of action in different jurisdictions. The House of Lords held that an admiralty court should be cautious in exercising jurisdiction if the same matter is being litigated elsewhere, thereby supporting the principle of judicial efficiency and comity.

*MV Eagle Prestige* (2021): In this case, the Indian courts considered whether to entertain a suit for arrest when proceedings concerning the same cause of action were already initiated in another country. The court dismissed the suit on the grounds that the other jurisdiction had validly assumed jurisdiction, and duplicative litigation would only lead to conflicting judgments.

*The Indian Grace (No 2)* (1998): The UK House of Lords dealt with a case where parallel proceedings were initiated in different jurisdictions. The court emphasized that if another court with competent jurisdiction is already hearing a case, an admiralty court should refrain from entertaining the same cause of action to avoid jurisdictional conflicts and inconsistent rulings.

In conclusion, the principle that admiralty courts will dismiss a suit involving the same cause of action between the same parties if proceedings are already initiated elsewhere is rooted in the broader principles of *res sub judice* and judicial comity. Admiralty courts, by their very nature, often deal with international disputes involving multiple jurisdictions. Therefore, the careful application of this principle is essential to avoid conflicting judgments, forum shopping, and unnecessary litigation.

The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, along with the Code of Civil Procedure, 1908, provides the legal framework for Indian admiralty courts to ensure that duplicative suits are not entertained. This principle is supported by both Indian and international case law, emphasizing the importance of judicial efficiency and respect for the jurisdiction of other competent courts.