

*

:

2006 (16) 109

(1)

"

"

(2)

109

*

.2011/5/1 2010/6/7

：

：

。

：

：

：

。

：

109

⁽⁶⁾1988 (24)

”

”

30

41

⁽⁷⁾1952

62

(

)

⁽⁸⁾

⁽³⁾”

”

”

⁽⁴⁾

⁽⁵⁾

41

”

” …

⁽⁹⁾

：

。

.

(10)

.

.

.

:

(41)

⁽¹¹⁾

.

1952

(30)

"

"
.

.

:

.

.

(14)
.

(12)

(13)
.

(15)
.

.

:

(41)

:

:

:

.

：

。

：

(16)

。

：

2/41

：

。

"

1952

30

"

(17)

2

。

2

"

"

41

(22)

"

"

1/3

"

。

(18)

。

：

。

(19)

。

109

(111)

111

(41)

(20)

109

109

。

(21)

"：

.1

：

				...	
111	109	111	:	(59)	
			.	.	
			.	.	
			.	.	
			.	.	
111	109		.	.	.2
				(1)	
		(23)			
	111	2006	(16)		
	109				
111					
.					
	111				
.					
	111				
		:			
		.1		59	
				(24)	
109	111	.2			
(109)	(111)				
	109				
		.3			
16	109				
	2006	111			111

7

1/3

5

(31) $\cdot$

■

1

□ □

(28)

•

□ □

[illegible]

109

.

▪

▪

(35)

.

(36)

.

59

.

.

▪

▪

109

.

59

109

.

(33)

.

.

⋮

.

0 0

(37)

.

.

(34)

.

.

■

•

□

□

■

•

□ □

■

■

•

:

•

■

1

•

(42)

4/197

.

:

:

"..."

6/198

:

198

198

6

(41)

(43)

198

"

...

198

3

.

.

:

:

197

.

- .
- :
- .
- :
- 2005
- .
- :
- :
- .
- :
- .
- 109 :
- .2006 (16) :
- :
- 735
- .1988/4/2 3545
- 1952 30 (7) (1)
- 1108 200 .217 (3) (2)
- .1952/5/27 (8)
- .1
- 219 .2 .
- <http://ar.jurispedia.org/index.php/> , retrieved on (9)
- 7/1/2010
- 2/10 (10)
- .95
- 135 1952 15 (3)
- 1952/3/16 1102
- .
- 117 1995 (4)
- <http://ar.jurispedia.org/index.php>, retrieved on (5)
- 7/1/2010
- 1988 24 (6)

				...					
			-	1952	30			(11)	
				1108		200			
:		2001	14	-1 :		1952/5/17			
			"						
			"						
		1952	30					(21)	
1108			200						
			.1952/5/17					-2	
		.2005	16			8/213		(12)	
		(1)						(23)	
		2006	16			3/198		(13)	
		:				(3)		(14)	
			.1			:		(1	
			.2					(2	
			:						
			.						
			.					(15)	
			.		2008				
			.				23		
			.3					(16)	
			.						
:		59	(24)	2000					
		:(59)	"			55			
		-1				http://m4gaza.com/vb/showthread.php?t=7536,		(17)	
						retrieved on 7/1/2010			
						http://forum.law-dz.com/index.php?showtopic=6887,		(18)	
						retrieved on 7/1/2010			
		-:						(19)	
			.			263	1992		
			-			(111)		(20)	
			-				"		
			.						
		(1)	-2						
		- :							
			-						
			.						
			-						
			-3						
		(1)							
			.						
		(2)							

(109) (59) (58) (57) (56) (3) (2) (1) -2
 -
 -
 (59) -
 (3) (2) (1) -5
 -
 -3
 (78) -7
 (72) (14) -4
 (5) -5
 -6
 1/3 (25) (2) -
 .1 : (59) - -1
 (26) ()
 .219 / 2008 -

...									
2006	12			17			8	(27)	
2006/3/16	4751				1308		2001		
	:				.2001/3/18	4480			
			-			:		-	
								-	
						.			
						.		-	
									(28)
						.7	1999		
				15			(3)	(29)	
					135		1952		
			.		.1952/3/16	1102			
			(35)	15		7		(30)	
					135		1952		
1992	11				.1952/3/16	1102			
2008	2005	302							
		.175							
		60	(36)						
		1988	24						
		...							
		8	(37)						
	-:	-:							
			-						
			-						
			-						
			-						
		182	(38)						
	- 1 .:	1988	24						
				"			/7	(31)	
			- 2						(32)
						.226			(33)
(59)			- 3			.245	2009		
				24			2/59	(34)	
						3	1988		

- :
- :
- (1
- (2
- (3
- 191 (39)
- 1 :
- (4
- (5
- (6
- 2
- 3
- 4
- 4/197 (42)
- (4 :
- 5
- /1/41 (43)
- 1972 11
- (28)
- <http://droit.montadahlilal.com/montada-f14/topic-.t231.htm>, retrieved on 7/1/2010 (40)
- 198 (41)
- 1992 11
- 2005 302
- 1988
- 2008
- 2009
- 2008
- .245

				...
2006	12			1995
	.4751			.
	2001	17		2007
	.4480		1308	
	1952	15		2000
	.1102		135	
	1952	15		
	.1102		135	
	.1972	11		2008
		1992		
				1999
http://ar.jurispedia.org/index.php, retrieved on 7/1/2010				
http://droit.montadalhilal.com/montada-f14/topic-t231.htm				
retrieved on 7/1/2010				
http://forum.law-dz.com/index.php?showtopic=6887 retrieved				
on 7/1/2010				
http://m4gaza.com/vb/showthread.php?t=7536 retrieved on				
7/1/2010				
http://ar.jurispedia.org/index.php/ , retrieved on 7/1/2010				
			1988	24
			.3545	735
			1952	30
			.1108	200
			.2005	16

Force of Resjudecata Exception in Civil Law Suit

*Nayel Masa'deh**

ABSTRACT

The importance of force of resjudecata exception in civil law suit derives from the conclusion if it was sustained by the court. The court should refuse the suit if conditions of resjudicata were available whether that exception came up on holding the defendant or by the court itself in accordance with the public policy. Resjudicata whether in Jordanian civil law of procedures or in law of evidence is neither subjective nor objective, but non sustainable exception. Lastly, this exception is related to public policy. Thus, it could be presented in any phase of civil suit.

Keywords: Force of Resjudecata, Exception, Civil Law Suit.

*Faculty of Law, Al-AlBait University, Al-Mafraq, Jordan. Received on 7/6/2010 and Accepted for Publication on 1/5/2011.