

Equity law

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Equity will not suffer a wrong to be without a remedy

- Where there is a right there is a remedy. This idea is expressed in the Latin maxim *ubi jus ibi remedium* which means that no wrong should go un-redressed if it capable of being remedied by courts this maxim indicates the width of the scope and the basis on which the structure of equity rests. Thus it is responsible for the entire equitable jurisdiction of the court of chancery to prevent failure of justice. But the meaning of the maxim should not the common law confers a right , it give also a remedy of right of action for interference with of infringement of that right. The maxim therefore must be taken as referring to rights which are suitable for judicial enforcement but which were not enforced as common law owing to some technical defect.

- In *Ashby Vs. White* Wherein a qualified voter was not allowed to vote and who therefore sued the returning officer, it was held that if the law gives a man a right, he must have a means to vindicate and maintain it, and a remedy if he is injured in the exercise of and enjoyment of it. It is indeed a vain thing to imagine a right without a remedy for want of a right and want of remedy are reciprocal.
- For applying this maxim some certain limitation are as follows:
 - 1- The equity courts could not help where there was breach of amoral right only. Thus only the breaches of legal rights and equitable rights were capable of being redressed

- 2- The equity courts afforded no relief where the right and its remedy both were within the jurisdiction of the common law courts:
- 3- The equity courts afforded no relief, where due to his own negligence a party either destroyed or allowed to be destroyed, the evidence in his own favor or waived his right to an equitable remedy.

This maxim also recognized in Indian law. The Indian trust act , section 9 of the civil procedure code and the specific relief act in India have incorporated the above principles.

- The civil procedure code entitles a civil court to entertain all kinds of suits unless they are prohibited. The specific relief act provides for equitable remedies like specific performance of contract, rectification of instrument, injunctions and declaratory suits.
- It can be said that the writ provisions in the constitution the administrative law and the public interest litigation devices have now extended the scope and effective working of the maxim.