

# Equity Will Not Suffer A Wrong To Be Without A Remedy

The legal maxim "equity will not suffer a wrong to be without a remedy" complements the foundational principle expressed in the Latin adage "ubi jus ibi remedium" — where there is a right, there is a remedy. Together, they form the bedrock of equitable jurisprudence in both English and Indian law, insisting that no wrong should remain unaddressed if the courts are capable of providing a remedy.

*“This maxim ensures that where legal rights are infringed, the court must, within its capacity, provide relief.”*

setting a precedent that even intangible rights deserve protection.

**The Earl of Oxford’s Case (1615)** cemented this principle by establishing that in any clash between common law and equity, the scales of justice would tip towards equity. This case highlighted equity's authority to offer remedies beyond the reach of common law, reinforcing the maxim's role in ensuring fairness.

## Indian Perspective

In India, the principles of equity were woven

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## English Roots and Their Fruits

Originating as a response to the rigidity of common law, the maxim has historically served as a bridge to justice where common law could not tread. In **Ashby v White (1703)**, when a voter was unjustly barred from voting, the common law courts initially saw no loss and hence no remedy. However, the House of Lords stepped in with an equitable lens, providing damages and

into the legal fabric by the British and have since evolved into an integral component of justice delivery. The Supreme Court’s ruling in **Garikapatti Veeraya v. N. Subbiah Choudhury (1957)** emphasised that procedural statutes infused with equity should not hinder justice, illustrating how equity can navigate through procedural labyrinths to uphold substantive rights.

In another landmark judgement, **Jagdish Singh v. Natthu Singh (1992)**, the Supreme Court applied equitable principles to resolve a property dispute that statutory law alone could not fairly settle. This demonstrated equity's crucial role in adapting legal outcomes to the contours of fairness.

In India, the principles of equity have been formally incorporated into various statutes post-independence, taking cues from both traditional English common law and the needs of a diverse, evolving society. The Indian Trusts Act, the Civil Procedure Code, and the Specific Relief Act are prime examples of this integration.

Section 9 of the Indian Civil Procedure Code embodies the principle by allowing civil courts to entertain all suits unless explicitly prohibited, thus ensuring that rights have corresponding remedies. The Specific Relief Act goes further by providing for remedies traditionally equitable in nature, such as specific performance, injunctions, and the rectification of instruments. These legislative provisions ensure that the judiciary can provide substantial relief in cases where mere monetary compensation is inadequate, thus bringing practical force to the maxim "ubi jus ibi remedium".

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