

FOUNDATION 206 K PRINCIPLES OF EQUITY

SYLLABUS:

1. Equity: Origin, Development & Importance:

- 1.1 Origin and Historical Background of Equity
- 1.2 Definition, nature and scope of Equity
- 1.3 Equity as a Branch of Law
- 1.4 Basis of Equity:
 - 1.4.1 Equity - A matter of grace,
 - 1.4.2 Equity – A matter of conscience
- 1.5 Development of Equity in India
- 1.6 Importance of Equity
- 1.7 Practice use of Equity in enacting and interpreting the statutes
- 1.8 Nature of Equitable Rights and interests:
 - 1.8.1 Evolution of Equitable Interests in property
 - 1.8.2 Difference between Legal and equitable estates

2. Maxims of Equity:

- 2.1 Equity will not suffer a wrong to be without a remedy
- 2.2 Equity Follows the Law
- 2.3 He who seeks Equity must do Equity
- 2.4 He who comes to Equity must come with clean hands
- 2.5 Delay defeats Equity
- 2.6 Equality is Equity

3. Maxims of Equity :

- 3.1 Equity looks to the Intent rather to the Form
- 3.2 Equity looks on that as done which ought to have been done
- 3.3 Equity imputes an intention to fulfill an obligation
- 3.4 Equity acts in Personam
- 3.5 Where the Equities are equal the first in time shall prevail
- 3.6 Where there is equal Equity, the law shall prevail

Suggested Reading:

1. Snell, Equity
2. Curzon L. B., Euity
3. Horsfield, Peter M., Equity in a nutshell
4. Pettit, Philip H., Equity and the Law of Trusts Butterworths Publication
5. Keeton G. W., and L. A. Sheridan, Equity, Pitman
6. H. G. Hanbury, Modern Equity The Principles of Equity English Language Book Society
7. Aquil Ahmad, Equity, Trusts and Specific Relief, Central Law Publication
8. Basu D. D., Equity, Trusts, Specific Relief
9. Desai T. R., Equity, Trusts and Specific Relief
10. B. M. Gandhi, Equity, Trusts and Specific Relief, Eastern Book Company