Maxim: 2

***Equity Follows the Law / Equity had come not to destroy the Law***

Equity doesn’t violate the existing law but follows, fulfill, supplement and explain the law with respect. Equity has no clash with law neither it overrides the provisions of law and follows the basic rules of law. Maitland said, “Thus equity came not to destroy the law but to fulfill it, to supplement it, to explain it.”

The goal of equity and law is the same, but due to their nature and due to historic accident they chose different paths. Equity respected every word of law and every right at law but where the law was defective, in those instances, these Common Law rights were controlled by recognition of equitable Rights. Snell therefore explained this maxim in slightly different way: “Equity follows the law, but not slavishly, nor always.”

Case: ***Stickland v. Aldridge***

Facts: where a person died intestate who owned an estate in fee-simple, leaving sons and daughters, the eldest son was entitled to the whole of the land to the exclusion of his younger brothers and sisters.

Issue: The issue of this case is whether younger brothers and sister may recover the possession of properties.

Judgment: This was unfair, yet no relief was granted by Equity Courts. If the son had induced his father not to make a will by agreeing to divide the estate with his brothers and sisters, equity would have interfered and compelled him to carry out his promise, because it would have been against conscience to allow the son to keep the benefit of a legal estate which he obtained by reason of his promise. Equity follows the law and even if by analogy law can be followed, it should be followed. It was held therefore that the younger son must hold the property as a trustee for himself and his elder brothers and sisters.

Point to be noted: where a court of law missed an important point, equity corrected the law and follows it on the simple principle of conscience.

Application:

1. Registration Act, 1908:
Section 17 governs the rules of compulsory registration of document, while section 18 of the same Act governs the rules of optional registration of document, and section 50 deals with the priority rights of certain registered deed over unregistered deed. In case where registration is compulsory and document is not got registered, that document is invalid in the eyes of law. In other case where registration was optional and one of two persons had got registered that document while other one had not got it registered. Here equity would follows the laws and provides the remedy to the person who had got registered the document, despite it was optional. Here section 50 of Registration Act applies.
2. Against inequity or biasness:
In Quran owner of property is obliged to make Will in his life as he wants, but keeping in view of justice. If he dies by making Will, which is based on inequality or bias-ness, can be rebutted in Court.

Limitation:

It has two exceptions as follows:

1. Where specific and clear law is not applied.
2. Where analogy is not applied. Equity formulates and applies its own rules, on the reason that injustice must be remedied.