**Equality is Equity**

Plato defined that “If you cannot find any other, equality is the proper basis.” This maxim is also explained as “equity delighted in equality”, which means that as far as possible equity would put the litigating parties on an equal level so far as their rights and responsibilities are concerned.

Justice Fry said, “When I say equality, I do not mean equality in its simplest form, but which has been sometimes called proportionate equity.”

**Application**This maxim applies where more than one seller or purchasers are there. If loss occurs, it would be distributed proportionately among them upto the extent of their share in proceeds. If Court imposes fine, all are responsible equally. If one pays the whole of fine, may recover the balance of fine from other but proportionately.Also applicable in case of Contribution between co-trustees, co-sureties, and co-contractors.

**Equity acts in personam**

Where there is violation or infringement of right, in remedial system of justice, aggrieved party is required to initiate proceeding, by means of writ, for redressal. This is obligatory on the part of aggrieved party. Where there is violation and government takes action, it is called act in rem. In personam, courts issue orders to the person who commits default, i.e., defendant.

**Application:**

Summon:
It is a call of Court for the presence of person who may be either defendant or witness. He also may be an expert. If the required person is government official, he may nominate other person in his place. If the government official is absent, any other suitable person from his office may be called for evidence to present record. However third person that is irrelevant cannot be called.

Declaration:
Where there is refusal to accept right of person, Court may issue declaratory decree to accept his right and may enforce it against defendant.

Injunction:
It is a stay order against defaulter and also called preventive relief. Court may refuse to issue injunction if the person applied has interest nothing. However if his own conduct is defective then again Court refuses to issue injunction.

Place of suing of suit:
Case may be initiated or preceded where there defendant resides or property is situated. It relates to territorial jurisdiction of Court. If property is situated in Sialkot and plaintiff resides in Lahore, he may initiate proceedings either in Lahore or Sialkot, but he cannot initiate this case in Gujranwala.

The Code of Civil Procedure, 1908 (Section: 19)
Where a suit is for compensation for wrong done to the person or to movable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of another Court, the suit may be instituted at the option of the plaintiff in either of the said Courts.

Execution of decree:
Decree is always executed on defendant in personam.