

Equity law

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Equity follow the law

- The meaning of the maxim is that ‘the discretion of the court should be govern by the rule of law and equity’. This discretions in some case follow the law implicitly in others assists it and advances the remedy. Thus equity come not to destroy the law but to fulfill it, to supplement it, to explain it.
- Every jot and every title of the law what to be obeyed, but when all this had been done, something might yet be needful, something that equity would require and that what was added by equity. Equity respected every word of law and every right at law. It is only a Snell puts it when there is some important circumstance disregarded by the common law rules that equity interferes thus “equity follows the law, but not slavishly, nor always.

- In Indian law India has not recognized the well-known distinction between legal and equitable interests. Equity rule in india, therefore cannot override the specific provisions of law. As for example, every suit in India has to be brought within the limitation period and no judge create exemption to this of can prolong the limit or stop the rule from taking effect on principles of equity . Similarly no court can confer rights which can be acquired only by registration of a document, on a party without getting the document registered.

- In the case of Narsappa magdum case (1999)4SCC443 it was held that the provisions of law regarding the period within which tenant must exercise right to purchase land of widow lanlady neing clear relief cannot be granted on the basis of equity.
- Equity must yield to law. Where law is clear no equitable relief is warranted. A decree holder who has failed to furnish the requisite stamp papers cannot stop the running of period of limitation because no one can take advantage of his own wrong.(2004) 2 SCC 783

- There are some limitations of this maxim as follows
 - A- Where a rule of law did not specifically and clearly apply or
 - B- Where even by analogy the rule of law did not apply, equity formulated and applied its own rules on the reason that injustice must be remedied.