

Q.14. Equity is a separate system of law from the Common-Law. It has different rules, principles, and remedies. Thus, to understand the principles on which the Law of Equity is based, we must understand its origin and the reasons for its requirement despite the presence of a system of law, i.e. the Common Law. Common Law is the body of customary law which originated in the Curia Regis (King's Court), London. English Common Law was primarily developed by judges and was based on judicial decisions and precedents. The country saw the need for the Law of Equity because of the following two main reasons: Under Common Law, there was only one remedy available, i.e., damages. Thus, a just and fair remedy couldn't always be given through Common Law where monetary compensation was not suitable. This remedy did not always have a significant concluding impact within cases. A civil action under Common Law could only be started by the means of a writ which was a legal document where it was written why and on what legal basis a person was being sued. Problems arose when a matter was not covered by any writ. Making of the writs with every new case was stopped in the 13th century and this meant that if a case was not already covered by the writs, it was not carried forward.