

DURGA DAS BASU

**EQUITY,
TRUSTS
AND
SPECIFIC
RELIEF**

New
EDITION

KAMAL LAW HOUSE
CALCUTTA

EQUITY, TRUSTS, SPECIFIC RELIEF

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© K.K. Lodha

Published by

K.K. Lodha
Kamal Law House
8/2 K.S. Roy Road
Kolkata 700 001

Sixth Edition 1996

January, 2013

Rs. 250

Typeset at

Vishnu Datagraphics (P) Ltd.
97 Park Street (4th Floor)
Kolkata 700 016

Printed at

Blue Line Printing Industries
50 Sitalatala Lane
Kolkata 700 011

To
The sacred memory of
my grandfather,
SHYAMA CHARAN BASU,
*now in Heaven,
who early taught me
the rudiments of
the Laws of God and Nature,
this book is humbly dedicated.*

PREFACE TO SIXTH EDITION

Owing to printing difficulties this Edition has been delayed by some years but the Author has taken advantage of this delay by incorporating the changes in case-law and statute-law which may be useful for the purposes of LL.B. and LL.M. students.

Of the topics which have been further developed, may be mentioned the **Benami Transactions (Prohibition) Act, 1988**; the **Question of Time as of the Essence of a Contract**; **Undue Influence**.

As to recent decisions of the Supreme Court, which have found place in this Edition, may be mentioned *Chawla v Municipal Corporation of Delhi*, (1993)3 SCC 161; *Om Prakash v Jai Prakash*, AIR 1992 SC 885.

Though ostensibly it is a Students' Manual, it will be useful to serious practitioners who wish to cut a rut in an unfurrowed field where an appeal to the basic principles of English Equity becomes necessary, it is because the treatment in this book is comparative.

Calcutta
20th February 1996

The Author

PREFACE TO FIFTH EDITION

Equity had fallen on evil stars for some time, being relegated to the status of an optional subject in the LL.B. syllabus of the universities in India. Fortunately, the Bar Council of India has changed its mind and now it is a compulsory subject prescribed for the LL.B. examination as well as for the LL.M. candidates in the Property Group.

A reading of this book will convince the reader that the ramifications of the English principles of Equity have entered into the remotest corner of almost every Indian statute in civil law and that even outside the codified law, in the absence of any statutory provision applicable to a particular matter, the principles of English Equity will apply in India in so far as they are consonant with the general principles of justice and good conscience.

There was no comparative treatise in India prior to the publication of this book (in the year 1933) which gives a study of the English principles and the Indian law, statutory and judicial, side by side. This book is a full-fledged comparative study which will enure to the benefit not only of students but of veteran practitioners in the field of law who are sometimes carried away by reported decisions which they look at from a narrow point of view, but a broader view has sometimes to be taken, founded on principles which will not fade. That need has been supplied by the present book.

1983 marks the golden jubilee of this work which first saw the light of the day in 1933 under the title *Handbook of Equity*. In 1943, the title of the book was changed to *Textbook of Equity*. In order to be in conformity with the Bar Council syllabus, it has been changed, in the present Edition, to *Equity, Trusts, Specific Relief*.

October 1983
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The Author

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