

THE OPEN UNIVERSITY OF SRI LANKA
LL.B DEGREE PROGRAMME - LEVEL 3
1st CONTINUOUS ASSESMENT TEST - 2008/2009
PRINCIPLES OF EQUITY - LWU 1202
DURATION - 40 MINUTES



Date: 29th September 2008

Time: 11.00 a.m. – 11.40 a.m.

Answer **ONE** question only.

Candidates will be penalized for illegible handwriting.

1. "Equity is no part of the law, but a moral virtue, which qualifies, moderates, and reforms the rigour, hardness, and edge of the law, and is a universal truth; it does also assist the law where it is defective and weak..."

Lord Dudley and Ward v Lady Dudley (1705) Prec.Ch.241 at 244

Critically examine the above statement in the light of the nature and growth of equity.

2. "Although the maxims of equity are considered as mere guidelines of equity, they have a tremendous impact on the development of equity"

Evaluate the above statement in the context of the two maxims setout below.

- Equity will not suffer a wrong to be without a remedy.
- Equality is equity.