AILET

Most Important Legal Phrases And Maxims (F-N)

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Most Important Legal Phrases And Maxims (F-N)

- Fiduciary Relationship- a relationship in which one person is under duty to act for the benefit of the other on matters within the scope of his relationship
- Frustration of contract- the cancellation of contract due to impossibility of performance or contradiction
- Fundamental rights- Fundamental rights are those rights which are essential for intellectual, moral and spiritual development of citizens of India. As these rights are fundamental or essential for existence and all-round development of individuals, hence, they are called 'Fundamental rights'. These are enshrined in Part III (Articles 12 to 35) of the Constitution of India.
- Falsa demonstratio non nocet – Mere false description does not vitiate the object.
- Ficri non debt, sed factum valet – It ought not to be done, but if done it is valid.
- Furiosus absentis loco est – An insane person is regarded as an absent person.
- Good faith- honestly, with due care and attention or without any criminal intention
- Gratuitous deed- instruments made without valuable consideration
- Group liability- when a criminal act is done by several persons jointly intending to fulfil a common object, each such person is held liable
- Hearsay rule- the rule that no assertion offered as testimony can be received unless it is or has been open to test by cross examination
- Hostile witness- a person or witness who gives statement that does not link or relate to the case or subject matter and is called as unfriendly to fact
- House arrest- confinement of a person who is accused or convicted of a crime to his home
- Immovable property- land and other property attached to it

- Impeachment of a judge- The process of impeachment is described in Article 124(4) of the Constitution and the Judges (Inquiry) Act 1968. A judge can be removed on the grounds of "proved misbehaviour or incapacity". Neither misbehaviour nor incapacity are defined, but would include any criminal activity or other judicial impropriety.
- Inchoate right- a right that has not fully developed or vested
- Interim order- an order made during pendency of the suit
- Interlocutory order- an order which is not final, but is made during the course of a case. E.g. stay order
- Issue of law- a point on which the evidence is undisputed, the outcome depending on the court's interpretation of the law
- Ignorantia facti excusat – Ignorance of fact is an excuse.
- Ignorantia juris non excusat – Ignorance of the law is no excuse.
- In pari delicto potior est conditio – In equal delict, the position of the defender is the stronger.
- Injuria non excusat injuriam – A wrong does not excuse a wrong.
- Injuria non praesumitur – Wrong is not presumed.
- Is qui omnino desipit – Insane person
- Judge made law- the law established by judicial precedent rather than by statue
- Judgement debtor- a debtor who has had a court judgement for repayment of debt against him but who has not yet paid off the debt
- Judicial review- the process of review of executive actions by courts of law
- Judicium a non suo judice nullius est moment – A judgment pronounced by a judge to decide in a matter falling within his jurisdiction is of no effect.
- Judicium simper pro veritate accipitur – A judgment always accepted as true.
- Justo tempore – At the right time
- Landmark decision- a judicial decision that significantly changes existing law
- Legislative power- power to make laws and to alter them
- Lex est norma recti – Law is a rule of right.
- Lex loci contractus – The law of a place where a contract is made. This is generally the proper law of the contract, i.e., the law by which the contract is to be interpreted.

- Malicious prosecution- institution of a criminal or civil proceeding for an improper purpose and without portable cause
- Mandatory injunction- an injunction requiring the performance of some act
- Mistake of law- mistake of law is no defence in Indian Context. Mistake of fact is sometimes treated as defence
- Money bill- A Bill is said to be a Money Bill if it only contains provisions related to taxation, borrowing of money by the government, expenditure from or receipt to the Consolidated Fund of India. Bills that only contain provisions that are incidental to these matters would also be regarded as Money Bills.
- Magistratus majores – Superior magistrates.
- Mutual petition – A counter- claim.
- Next friend- a person through whom, a minor or insane person can institute a legal action
- Next of kin- the nearest blood relatives
- Nullity of marriage- invalidity of a presumed or supposed marriage because it is void on its face or has been voided by court order
- Necessitas facit licitum quod alias non est licitum – Necessity makes that lawful which otherwise unlawful.
- Necessitas publica major est quam private – Public necessity is greater than private.
- Nemo dat qui non habet – No one pass a better title than what he himself has.
- Nemo debet bis vexari pro una delicto – No one should be punished twice for the same offence.
- Nemo debet bis vexari pro una et eadem causa – A man shall not be twice vexed for one and the same cause.
- Nemo est haeres viventis – No one can be heir during the life of his ancestor.
- Nemo potest esse simul actor et judex – No one can be at the same time both pursuer and judge.
- Nemo protest renunciare juri publico – No one can renounce a public right.
- Nemo punitur pro alieno delicto – No one is punished for another’s crime.
- Nemo sibi esse judex vel suis jus dicere debet- No one should be judge in his own case or declare the law (pronounce judgment) in his own affair.
- Nemo tenetur seipsum accusare – No man can be compelled to incriminate himself.

- Non jus ex requla ex jure – The law does not arise from the rule or maxim, but the rule / maxim from the law.
- Noscitur a sociis – It is known from its associates.
- Nullus commodum capere potest de injuria sua propria – no man can take advantage of his own wrong.
- Nuptias non concubitus sed consensus facit – No cohabitation but consent make marriage.

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