

[PRINT / DOWNLOAD PDF](#)

Maxim - ex debito justitiae - of or by reason of an obligation of justice : as a matter of right

Ex Debito Justitiae is a legal maxim, used in India, with the following meaning: From what is due to justice. A remedy which the applicant gets as a matter of right. Every court of plenary jurisdiction has power to correct ex debito justitiae its judgment and order to prevent abuse of its process and grave and palpable errors. (See Shivdeo Singh v. State of Punjab AIR 1963 SC 1909.) The court is called upon to act ex debito justitiae to correct its own mistakes or orders inadvertently passed or to prevent gross miscarriage of justice. For that matter every authority is entitled to correct its own mistakes, and taking any other view is bound to work out gross injustice and result in procedural imbalance. (See Chandrika Shah v. Addl. Member Board of Revenue 1981 BBCJ 106.) Review is, therefore, resorted only where glaring omission or patent mistake or like grave error has crept in counter by judicial fallibility. (See Sow Chandra Kanta v. Sheik Habib AIR 1975 SC 1500.) Otherwise, the judgment pronounced by the court is final. A comprehensive list of defects that will attract ex debito justitiae relief cannot be drawn. It is sufficient to remember that the court can grant relief where there is some manifest illegality or want of jurisdiction in the earlier order or some palpable injustice is shown to have resulted. (Isaacs v. Robertson [1984] 3 All ER 140.) Such a power can be traced either to article 142 of the Constitution or to be powers, in the case of the Supreme Court, inherent in the court as the Apex Court and the guardian of the Constitution. For a complete list of maxims of law (besides Ex Debito Justitiae), see here (include their meanings and uses). (<https://india.lawi.asia/ex-debito-justitiae/>)

“As an obligation arising out of the justice of the matter” — an expression often used to describe a situation where judicial review is available automatically and will seldom be denied on any overriding discretionary basis. (<https://irwinlaw.com/cold/ex-debito-justitiae/>)

[read HERE](#)

Tags: [ex debito justitiae](#)