

भाग 2
लेटिन-हिंदी

PART II
Latin-Hindi

लेटिन-हिंदी

a fortiori : all the more; from a stronger reason सुतराम् ; प्रबलतर युक्ति से

a posteriori : argument from the consequence to the antecedent कार्य-कारण तर्क ; कार्यकारण तर्क से

a priori : deductive; from earlier i.e. original or antecedent; argument from antecedent to the consequent; not empirical कारण-कार्य तर्क

a verbis legis non est recedendum : from the words of the law there is not any departure विधि के शब्द से विचलन नहीं होगा

ab initio : from the beginning आदितः ; आरंभ से

ab intestato : 'succession ab intestato' means succession to the property of a person who has not made his will निर्वसीयती रूप से

absolute sententia expositore non indigent : plain language does not need an interpreter [Amar Singh V. State of Rajasthan, A.I.R. 1955 S.C. 504 (526)] स्पष्ट भाषा के लिए निर्वचन की आवश्यकता नहीं होती

abundans cautela non nocet : great caution does no harm अधिक सावधानी हानिकर नहीं

accessorium non ducit, sed sequitur suum principale : the accessory right does not lead, but follows its principal समनुषंगी अधिकार मुख्य अधिकार का पूर्वगामी नहीं अनुगामी होता है

accessorius sequitur naturam sui principalis : an accessory follows the nature of its principal समनुषंगी अधिकार की प्रकृति मुख्य अधिकार के अनुरूप होती है

accusator post rationabile tempus non est audiendus, nisi se bene de omissione excusaverit : an accuser is not to be heard after a reasonable time unless he can account satisfactorily for the delay अभियोक्ता को युक्तियुक्त अवधि के पश्चात् तभी सुना जाएगा जब वह विलंब के लिए समाधानप्रद कारण बता दे

act in pais : a judicial or other act performed out of court and not a matter of record न्यायालय बाह्य कार्य

actio non datur non damnificato : an action is not given to him who is not injured क्षतिग्रस्त ही कार्रवाई करेगा

actio personalis moritur cum persona : a personal right of action dies with the person, in other words, the personal action dies with a man [I. Pedasubhayya V. Akkamma, A.I.R. 1958 S.C. 1043; 2. B. Gajapathi Rao V. State of Andhra Pradesh, A.I.R. 1964 S.C. 1645] कार्रवाई का व्यक्तिगत अधिकार व्यक्ति की मृत्यु के साथ समाप्त हो जाता है

actori incumbit onus probandi : the burden of proof lies on the plaintiff or the prosecution [Dahyabhai Chhagnabhai Thakkar V. State of Gujarat, A.I.R. 1964 S.C. 1563 (1566)] सबूत का भार वादी या अभियोक्ता पर होता है

actus curiae neminem gravabit : an act of the court shall prejudice no one [I. s. 77, I.P.C.; 2. State of Gujarat V. Jagan Bhai, A.I.R. 1966 S.C. 1631] न्यायालय के कार्य से किसी की हानि नहीं होती

actus dei nemini facit injuriam : the act of God is prejudicial to no one; the law holds no man responsible for the act of God; the act of God or Vis major is some inevitable natural calamity which generally excuses from liability, contractual or statutory दैवी कार्य किसी को क्षति नहीं पहुंचाता (अर्थात् दैवी कार्य से हुई क्षति के लिए किसी को जिम्मेदार नहीं ठहराया जा सकता)

actus legis nemini est damnosus : an act in law shall prejudice no man विधिक कार्य से किसी की हानि नहीं होती

actus non facit reum, nisi mens sit rea : the act itself does not constitute guilt unless done with a guilty intent. An act is not a crime unless it is committed with a particular criminal intention (mens rea). What constitutes the mens rea is laid down in the case of offences defined in the Indian Penal Code [State of Maharashtra V. Mayer Hans George, A.I.R. 1965 S.C. 722 (731)] केवल कार्य किसी को अपराधी नहीं बनाता यदि उसका मन भी अपराधी न हो

actus reus : wrongful act दोषपूर्ण कार्य ; आपराधिक कार्य

ad alium diem : at another day किसी और दिन

ad audiendum : to hear सुनने के लिए

ad certum diem : निश्चित दिन

ad ea quae frequentius accidunt jura adaptantur : the laws are adapted to those cases which more frequently occur विधि उन्हीं मामलों के लिए होती है जो बार-बार उठते हैं

ad hoc : for particular purpose तदर्थ

ad hominem : to the man; personal व्यक्ति विशेष के लिए

ad infinitum : without limit; for ever निरवधि

ad interim : in the meantime अंतःकालीन

ad litem : for the suit e.g. guardian ad litem [Or. 31, r. 3, C.P.C.] वादार्थ

ad valorem : according to the value मूल्यानुसार

adversus extraneous vitiosa possessio prodessi solet : an imperfect possession is accustomed to prevail as against outsiders claiming adversely प्रतिकूल हक उन सब व्यक्तियों के खिलाफ है जो उससे बेहतर हक नहीं दिखा सकते

aedificare in tuo proprio sole non licet quod alteri nou necent : it is no proper to build upon one's own land what may be injurious to another अपनी भूमि पर भी ऐसा निर्माण उचित नहीं है जो किसी के लिए क्षतिकारक हो

aequitas est correctio legis generaliter latae, qua parte deficit : equity is a correction of the general law in the part where it is defective साम्या साधारण विधि की त्रुटि को दूर करती है

aequitas est quasi equalitas : equity is as if it were equality समता ही साम्या है

aequitas factum habet quod fieri oportuit : equity regards as done that which ought to have been done. Equity treats a contract to do a thing as producing the state of affairs which the parties intended should exist when the contract had been duly performed साम्या यह मानती है कि जो कुछ किया जाना चाहिए वह किया गया है

aequitas nunquam contravenit leges : equity never counteracts the laws साम्या विधि के प्रतिकूल कदापि नहीं होती

aequitas sequitur legem : equity follows the law. Equity does not claim to over-ride the law. Equity generally operates by recognising the legal rule and adding some further rule, remedy or other machinery of its own. Thus in the case of a trust, equity recognises the legal title of the trustee but compels him to hold it on trust for the beneficiary साम्या विधि का अनुसरण करती है

aequum et bonum est lex legume : that which is equal and good is the law of laws समता और कल्याण ही श्रेष्ठतम विधि है

affirmanti non neganti incumbit probatio : the burden of proof lies upon him who affirms, not upon him who denies सबूत का भार प्रतिज्ञान करने वाले पर, न कि प्रत्याख्यान करने वाले पर होता है

alibi : a plea by a person accused of an offence that he was 'elsewhere' – that having regard to the time and place when and where he is alleged to have committed the offence, he could not have been present अन्यत्र उपस्थित होने का अभिवाक

alieno solo : in the land of another; on other's land अन्य की भूमि पर

aliter : otherwise अन्यथा

allegans contraria non est audiendus : he who alleges contradictory things is not to be heard. A man shall not be permitted to "blow hot and cold" with reference to the same transaction or insist, at different times, on the truth of each of two conflicting allegations, to suit his private interests [Nagubai Ammal and others V. B. Sharma Rao and others, A.I.R. 1956 S.C.593 (601)] जो परस्पर विरोधी बातों का अभिकथन करता है, उसकी सुनवाई नहीं होगी

allegatio contra factum non est admittenda : an allegation contrary to a deed is not admissible विलेख विरुद्ध अभिकथन

ambigua responsio contra proferentem est accipienda 474

ambigua responsio contra proferentem est accipienda : an ambiguous answer is to be taken against him who offers it संदिग्ध उत्तर का उपयोग उत्तरदाता के विरुद्ध किया जाएगा

ambiguitas verborum latens verificatione suppletur, nam quod ex facto oritur ambiguum verificatione facti tollitur : latent ambiguity of words may be removed by parole evidence, for an ambiguity arising upon proof of extraneous fact may be removed in like manner [s. 96, Indian Evidence Act] अप्रत्यक्ष संदिग्धार्थता मौखिक साक्ष्य से दूर की जा सकती है क्योंकि जो संदिग्धार्थता बाह्य तथ्य से उद्भूत होती है वह ऐसे तथ्य का सबूत देने पर दूर की जा सकती है

ambiguitas verborum patens nulla verificatione excluditur : a patent ambiguity cannot be cleared up by extrinsic evidence [s. 93, Indian Evidence Act] प्रत्यक्ष संदिग्धार्थता का निराकरण बाह्य साक्ष्य द्वारा नहीं किया जा सकता

amicus curiae : friend of the court; one who voluntarily or on invitation of the court, and not on the instructions of any party helps the court in any judicial proceedings न्याय-मित्र

animus : 1. intention आशय ; अभिप्राय ; 2. hostility शत्रुभाव ; 3. ill will; hatred विद्वेष

animus deserendi : intention to desert अभित्यजन का आशय

animus domini : the intention of possession and ownership by entry or user अधिपत्य का आशय

animus hominis est anima scripti : intention is the soul of an instrument आशय ही लिखत का प्राण है

animus possidendi : the intention of possessing कब्जे का आशय

animus revertendi : the intention of returning प्रत्यागमन का आशय

animus testandi : intention of making a will वसीयत करने का आशय

applicatio est vita regulae : application is the life of a rule प्रयोग से नियम सिद्ध होता है

arbitrium est iudicium : an award is a judgment मध्यस्थ का फैसला ; न्यायालय का निर्णय

argumentum a simili valet in lege : an argument from a like case is good in law. The binding effect of decision does not depend upon whether a particular argument was considered therein or not, provided that the point with reference to which an argument was subsequently advanced was actually decided

[Somawanti V. State of Punjab, A.I.R. 1963 S.C. 151(160)]
सदृश मामले में दिया गया तर्क विधि में मान्य है

argumentum ab inconvenienti plurimum valet : an argument from inconvenience avails much in law असुविधा का तर्क विधि में मान्य है

assensio mentium : the meeting of minds i.e. mutual consent परस्पर सहमति

assignatus utitur jure auctoris : an assignee is clothed with the rights of his assignor समनुदेशिती समनुदेशक का ही स्थान लेता है

audi alterum partem : hear the other side. Both sides should be heard before a decision is arrived at दूसरे पक्ष को भी सुनो

auter droit : the right of another पराधिकार

autre fois acquit : formerly acquitted. By this plea, a person charged with an offence pleads that he had been tried before and acquitted of the same offence by a competent court पूर्व दोषमुक्ति

conditio procedens adimpleri sequatur effectus
autre fois convict : formerly convicted. By this plea, a person charged with an offence pleads that he had been tried before and convicted of the same offence by a competent court पूर्व दोषसिद्धि

benignae sunt faciendae interpretationes cartarum, propter simplicitatem laicorum, ut res magis valeat quam pereat; et verba intentioni, non e contra, debent inservire : liberal constructions of written documents are to be made, because of the simplicity of the laity, and uphold the document; and words ought to be made subservient, not contrary, to the intention लिखतों के उदार अर्थान्वयन के कारण हैं, साधारणजन का अविशेष ज्ञान; यह सिद्धांत कि अमान्य से मान्य करना अच्छा है और यह कि शब्द आशय के अनुकूल होने चाहिए प्रतिकूल नहीं

benignior sententia in verbis generalibus seu dubiis est praeferenda : the most favourable construction is to be placed on general or doubtful expressions साधारण या शंकास्पद पदों का उदार अर्थान्वयन किया जाना चाहिए

bona fide : 1. in good faith सद्भाव से ; सद्भावपूर्वक ; सद्भावी ; 2. acting or done in good faith सद्भाविक ; सद्भावपूर्ण ; 3. genuine वास्तविक ; वास्तव में ; यथार्थ

bona fides : good faith सद्भाव

bonae fidei possessor in id tantum quod ad se pervenerit, tenetur : a possessor in good faith is only liable for that which he himself has obtained सद्भावपूर्ण कब्जाधारी उसी के लिए दायी है जो वह प्राप्त करे

boni iudicis est iudicium sine dilatione mandare executioni : it is the duty of a good judge to order judgment to be executed without delay अच्छे न्यायाधीश का कर्तव्य है कि वह निर्णय के अविलंब निष्पादन का आदेश करे

boni iudicis est lites dirimere ne lis ex lite oritur : it is the duty of a good judge to prevent litigation lest suit arises from suit अच्छे न्यायाधीश का ध्येय यह हो कि मुकदमेबाजी समाप्त हो और वाद से वाद न निकले

breve judiciale non cadit pro defectu formae : a judicial writ fails not through defect of form न्यायिक रिट में प्ररूप की त्रुटि मत देखो

cause causans : the immediate cause; the proximate or efficient cause, opposed to some remote cause निकटम कारण

causa proxima non remota spectatur : the immediate, not the remote cause, is to be considered निकट हेतुक पर ध्यान दिया जाता है दूर के हेतुक पर नहीं

causa sine qua non : a cause without which the effect would not have been caused वह कारण जिसके बिना घटना नहीं हो सकती थी

caveat emptor : let the purchaser beware. A maxim implying that the buyer must be cautious, as the risk is his and not that of the seller क्रेता सावधान रहे

caveat emptor oui ignorare non debuit quod jus alienum emit : no one ought in ignorance to buy that which is the right of another. The buyer according to the maxim has to be cautious, as the risk is his and not that of the seller क्रेता सावधान रहे ; किसी व्यक्ति को अज्ञानतावश किसी अन्य व्यक्ति का अधिकार नहीं खरीदना चाहिए

cepi corpus : I have taken the body and have it ready वह सशरीर पकड़ लिया गया है और मेरी अभिरक्षा में है

cessante ratione legis, cessat ipsa lex : the reason of the law ceasing, the law itself ceases विधि का औचित्य समाप्त हो जाने पर विधि भी समाप्त हो जाती है

cestui que trust : a beneficiary under a trust, the person for whose benefit a trust is created न्यास-लाभी

chirographum apud debitorem repertum praesumitur solutum : a deed or bond found with the debtor is presumed to be paid विलेख या बंधपत्र ऋणी के कब्जे में होने पर यह उपधारणा होगी कि उसका प्रतिसंदाय कर दिया गया है

civilis possessio : सिविल कब्जा

commodum ex injuria sua memo habere debet : a person cannot be allowed to take advantage of his own wrongs. Convenience cannot accrue to a party from his own wrongs, in other words no one can be allowed to benefit from his own wrongful act [*Mrutunjay Pani V. Narmada Bala Sasmal and another, A.I.R. 1961 S.C. 1353*] कोई व्यक्ति अपने ही दुष्कृत्य का लाभ नहीं उठा सकता

communis error facit jus : common or universal error makes law बारंबार की गई गलती विधि बन जाती है

conditio precedens adimpleri debet priusquam sequatur effectus : a condition precedent must be fulfilled before the consequens adimpleri

consensus ad idem : agreement by two or more persons upon the same thing in the same sense; the common consent necessary for a binding contract एक ही बात पर एक ही अर्थ में मतैक्य

consentientes et agentes pari poena plectentur : those consenting and those perpetrating are embraced in the same punishment कर्ता और सहभागी दोनों समान दंड के भागी हैं

constitutiones tempore posteriores potiores sunt his quae ipsas praecesserunt : later laws prevail over those which preceded them पश्चात्पूर्ती विधि पूर्ववर्ती विधि पर अभिभावी होती है

coasuetudo debet esse certa; nam incerta pro nullis habentur : a custom should be certain, for uncertain things are held as nothing [*Saraswathi Ammal V. Jagadamlal, A.I.R. 1953, S.C. 201 (205)*] रूढ़ि निश्चित होनी चाहिए क्योंकि अनिश्चित बातों का कोई महत्व नहीं होता

contemporanea exposito est optima et fortissima in lege : a contemporaneous interpretation is the best and strongest in law तत्कालीन व्याख्या सर्वोत्तम और प्रभावी होती है

contra : against; on the other hand के विरुद्ध

contractus uberrima fides : contract requiring of utmost goodwill पूर्ण सद्भावसंविदा

coram non iudice : before one who is not the judge. Before a court which has no jurisdiction of the matter अधिकारिता विहीन न्यायाधीश ; अधिकारिता विहीन न्यायालय

corpus delicti : the body of facts which constitute an offence; gist or substance of the offence अपराध-सार

corpus possessionis : the thing possessed कब्जाधीन वस्तु

cuiques in sua arte perito credendum est : to each one skilled in his own art credence should be given [*ss. 45 and 56, Indian Evidence Act*] जो भी व्यक्ति अपने व्यवसाय में दक्ष हो वह उस विषय में विश्वसनीय है

cullibet in sua arte perito est credendum : whosoever is skilled in his profession is to be believed जो अपने व्यवसाय में दक्ष हो वह उस विषय में विश्वसनीय है

cullibet licet juri pro se introduce to renuntiare : one may waive a legal right existing in his favour कोई व्यक्ति अपने विधिक अधिकार का अभित्यजन कर सकता है

cum duo inter se pugnancia reperiuntur in testamento ultimum ratum est : where two clauses in a will are repugnant one to the other, the last in order shall prevail किसी विल में परस्पर विरोधी खंड होने पर पश्चात्पूर्ती खंड अभिभावी होगा

custodia legis : custody of the law विधि अभिरक्षा

custos statum haereditis in custodia existentis meliorem, non deteriolem, facere potest : a guardian can make the estate of an existing heir under his guardianship better, but not worse संरक्षक अपने संरक्षणाधीन विद्यमान वारिस की संपदा की अभिवृद्धि कर सकता है हास नहीं

cypres : [*s. 92(3), C.P.C.*] समान उद्देश्य के लिए ; तत्सदृश्य

damnum sine (absque) injuria : damage without injury, that is damage caused without legal wrong बिना क्षति के हानि

data : what is given; the promises upon which an argument is based; certain given facts from which other may be inferred आधार-तथ्य

de facto : in fact; an expression indicating the actual state of circumstances independently of any remote question of right or title वस्तुतः ; तथ्यतः

ex parte

de hors : outside of; unconnected with; unrelated to बाहर ; असंबद्ध

de jure : in law, independent of what obtains in fact विधितः

de minimis non curat lex : the law takes no account of very trifling matters [*s. 95, I.P.C.*] विधि तुच्छ बातों पर ध्यान नहीं देती

de nove : anew नए सिरे से

debita sequuntur personam debitoris : debts follow the person of the debtor ऋण ऋणी के साथ-साथ चलते हैं

debitorum pactionibus creditorum petitio nec tolli nec minui potest : the rights of creditors can neither be taken away nor diminished by agreements among the debtors ऋणियों के बीच करार से लेनदारों के अधिकार न तो समाप्त होंगे न कम

decree nisi : a decree is said to be made nisi when it is to take effect after a specified period or after the person affected by it fails to show cause against it within a certain time अपेक्षात्मक डिक्री

delegatus non potest delegare : a delegated power cannot be further delegated प्रत्यायोजित शक्ति का और आगे प्रत्यायोजन नहीं हो सकता

divorce a mensa et thoro : [s. 4, Indian Divorce Act] सहवास विच्छेद

doli incapax : incapable of malice. In Indian Law, this conclusive presumption has been adopted for children under seven years of age [s. 82, I.P.C.] अपराध करने में अक्षम

dolo malo pactum se non servabit : a pact made with malicious intent will not be upheld विद्वेषपूर्ण आशय से किया गया करार विधिमान्य नहीं होता

donator nunquam desinit possidere antequam donatorius incipiat possidere : donor never ceases to possess before the donee begins to possess दाता का कब्जा बना रहेगा जब तक आदाता का न हो जाए

donation mortis causa : a gift of personal property by a person on the point of death आसन्नमरण दान

duo no posseunt in solido unam rem possidere : two persons cannot possess one thing in entirety एक वस्तु के दो पूर्ण स्वामी नहीं हो सकते

durente bene placito : during the pleasure प्रसादपर्यंत

ei incumbit probatio qui dicit, non qui negat : the proof lies upon him who affirms, not upon him who denies सबूत का भार प्रकथन करने वाले पर है न कि प्रत्याख्यान करने वाले पर

ejus nulla culpa est cui parere necesse sit : he who is bound to obey is in no fault आज्ञा पालन के लिए आबद्ध व्यक्ति कसूरवार नहीं

ejusdem generis : of the same kind or nature. Where a list of specific items is followed by general concluding clause, this is deemed to be limited to things of the same kind as those specified उसी किस्म या प्रकार का ; सजाति

eminent domain : the right of power of the government to take private property for public use on making just compensation therefor. The power of a Sovereign State to take or to authorise the taking of any property within its jurisdiction for public use without the owner's consent सर्वोपरि आधिपत्य

en ventre sa mere : child in womb गर्भवती

ex abundantia cautela : from or out of abundance of caution अत्यधिक सावधानी बरतते हुए

ex-debito justitiae : from a debt of justice; from that which is owing; from one's right; as of right अधिकारतः ; न्यायानुसार

ex-delicto : from a delict, tort, fault, crime or malfeasance अपकृत्य से उत्पन्न

ex dolo malo non oritur actio : no right of action arises out of a fraud वाद का अधिकार कपट से उत्पन्न नहीं होता

ex-gratia : as a matter of grace or favour अनुग्रहपूर्वक

ex-maleficio non oritur contractus : a contract cannot arise out of an illegal act अवैध कार्य से संविदा उद्भूत नहीं होती

ex-nudo pacto on oritur actio : no action arises from a contract without consideration बिना प्रतिफल के करार पर कोई कार्रवाई नहीं होती

ex-officio : by virtue of an office पदेन

ex-pacto illicito non oritur actio : no action arises on an illegal agreement अवैध करार के आधार पर कोई कार्रवाई नहीं होती

ex parte : expression used to signify something done or said by one person not in the presence of his opponent एकपक्षीय

ex post facto

ex post facto : by subsequent act; by virtue of a thing done after some particular event; done after another thing and operating

retrospectively कार्योत्तर ; भूतलक्षी प्रभाव

ex turpi causa : from a base cause अधम कार्य से

executio est finis et fructus legis : execution is the end and fruit of the law निष्पादन ही विधि का अंत और उसकी सफलता है

executio juris non habet injuriam : the execution of the process of law does no injury विधि की प्रक्रिया के निष्पादन से कोई क्षति नहीं होती

executor de son tort : one who takes upon himself the office of an executor by intrusion, not being so constituted by the testator अपने अपकृत्य से निष्पादक

expedit reipublicae ne sua re quis male utatur : it is for the public good that no one should use his property badly लोक हित इसी में है कि प्रत्येक व्यक्ति अपनी संपत्ति का सदुपयोग करे

factum valet : the "fact which cannot be altered" though it should not have been done कार्य संपन्न होने पर वह वैध माना जाता है

fait accompli : an accomplished act संपन्न कार्य

falsus in uno, falsus in omnibus : false in one, false in all i.e. false in one particular, false in all [1. Ugar Ahir V. State of Bihar, A.I.R. 1965 S.C. 278; 2. Nisar Ali V. State of U.P., A.I.R. 1957 S.C. 366] एक बात में मिथ्या तो सब में मिथ्या

felo de se : one who feloniously commits suicide आत्मघाती

fiat justitia : let justice be done न्याय किया जाए

fiat justitia, ruat caelum : let justice be done, though heavens fall न्याय किया ही जाना चाहिए चाहे कुछ भी हो

forma legalis forms essentialis : legal form is an essential form विधिक प्ररूप आवश्यक प्ररूप है

functus officio : one who has fulfilled his office or is out of office; an authority who has performed the act authorised so that the authority is exhausted पदकार्य-निवृत्त

generalia specialibus non derogant : general things do not derogate from special [Patna Improvement Trust V. Lakshmi Devi, A.I.R. 1963 S.C. 1077 (1081-82)] साधारण कथन विशेष कथन का अल्पीकरण नहीं करते

generalia verba sunt generaliter intelligenda : general words are to be understood in a general sense साधारण शब्दों के साधारण अर्थ ही किए जाने चाहिए

habemus optimum testem confitentem reum : we have the best witness in an accused who confesses the charge इकबाली साक्षी सर्वोत्तम साक्षी है

hors de combat : unfit to fight, disabled [Ist sch., art. 3, Geneva Conventions Act] युद्ध के आयोग्य हो गए हैं

ignorantia eorum quae quis scire tenetur non excusat : ignorance of those things which everyone is bound to know, excuses not सर्वविदित बातों की अनभिज्ञता कोई प्रतिहेतु नहीं है

ignorantia facti excusat ; ignorantia juris non excusat : ignorance of fact excuses; ignorance of law does not excuse तथ्य की अनभिज्ञता प्रतिहेतु हो सकती है किंतु विधि की अनभिज्ञता नहीं

ignorantia legis neminem excusat (ignorantia legis haud excusat; ignorantia legis non excusat) : ignorance of law is no excuse [Basheshwar Nath V. The Commissioners of Income-tax, Delhi and Rajasthan and another, A.I.R. 1959 S.C. 149] विधि की अनभिज्ञता कोई प्रतिहेतु नहीं है

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impossibilium nulla obligatio est : there is no obligation to do impossible things असंभव कार्य करने की कोई बाध्यता नहीं है

in aequali jure melior est conditio possidentis : in equal rights the condition of the possessor is the better; or, where the rights

of the parties are equal, the claim of the actual possessor shall prevail अधिकार समान तो कब्जाधारी बलवान

in esse : in existence अस्तित्वशील ; अस्तित्वयुक्त

in forma pauperis : in the character of a pauper अकिंचन के रूप में

in limine : at the outset आरंभ में ही

in loco parentis : in the place of a parent माता-पिता के स्थान में

in pari delicto : when both parties are equally in fault; in equal fault [Surasailbalini Debi V. Phanindra Mohan Majumdar, A.I.R. 1965 S.C. 1364] समदोष में

in pari materia (in pari causa) : in an analogous cause, case or position समविषय में

in personam : an act or proceeding done or directed against or with reference to a specific person व्यक्तिबंधी

in posse : possibility of being as opposed to in esse—in a state of being Achikd en ventre sa mere is a child in posse but the law regards it as in esse for all purposes which are for its benefit संभव

in presenti : at the present time; at once; immediately effective तत्सामयिक ; तत्समय ; वर्तमान में

in rem : an act or proceeding done or directed with reference to no specific person or with reference to all whom it might concern सर्वबंधी

injuria sine damno : injury without damage; an infringement of a right without causing damage बिना हानि के क्षति

intelligible differentia : difference capable of being understood. A factor that distinguishes one in different state or class from another which is capable of being understood सुग्राह्य अंतर

inter alia : amongst other things अन्य बातों के साथ-साथ

interest reipublicae ut quilibet re sua bene utatur : it is to the advantage of the State that everyone uses his property properly लोक हित इसी में है कि प्रत्येक व्यक्ति अपनी संपत्ति का सदुपयोग करे

interest reipublicae ut sit finis litium : it is in the interest of the State that there should be an end of law-suit राज्य का हित इस बात में है कि मुकदमेबाजी का अंत हो

intravires : within the powers; within the authority given by law शक्ति के अधीन ; प्राधिकार के अधीन, शक्त्याधीन

ipso jure : by the law, itself स्वयं विधि द्वारा ; विधितः

jura non-remota causa sed proxima spectatur : in law the immediate or proximate not the remote cause of any event is regarded विधि में अव्यवहित या निकट के हेतुक पर ध्यान दिया जाता है दूर के हेतुक पर नहीं

jus ad rem : a right without possession; an inchoate or incomplete right to a thing अपूर्ण अधिकार

jus commune : the common and natural rule of right कामन ला

jus dicere et non jus dare : to declare the law, not to make it विधि की घोषणा करना न कि विधि बनाना

jus non scriptum : the unwritten law अलिखित विधि

jus tertii : the right of a third party परव्यक्ति का अधिकार

lex non cogit ad impossibilia : the law does not compel the impossible विधि असंभव करने के लिए विवश नहीं करती

lex tallienis : (law of retaliation) प्रतिषेध विधि

lis pendens : a pending suit विचाराधीन वाद

litera legis : letter of legislation विधि के शब्द

locus penitentiae : an opportunity to withdraw from the commission of a crime अपराध से मुंह मोड़ने का अवसर ; अपराध

से विमुख होने का अवसर

locus standi : signifies a right to be heard सुने जाने का अधिकार

mala in se : acts which are wrong in themselves as being opposed to morality and ethics, contrasted with the acts which are only wrong because they are prohibited by law स्वतः दोषपूर्ण

mala prohibita : acts which are wrong because they are prohibited by law विधि निषेध के कारण दोषपूर्ण

malus usus : a bad custom कुप्रथा

mens rea : a guilty mind आपराधिक मनःस्थिति

mesne profits : the profits which a person in wrongful possession of the property actually received or might with ordinary diligence have received therefrom together with interest on such profits excluding the profits due to improvement made by

modus operandi : wrongful possession अंतःकालीन लाभ

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modus operandi : 1. mode of operating; the way in which a thing, cause etc. operates; the way in which a person goes to work कार्य प्रणाली ; 2. a distinct pattern or method of procedure thought to be characteristics of an individual criminal and habitually followed by him अपराधी कार्य प्रणाली

modus vivendi : the manner of living; a way of life निर्वाह रीति

more debitoris non debet esse creditori damnosa : delay on the part of a debtor ought not to be injurious to a creditor ऋणी के विलंब से लेनदार को क्षति नहीं होगी

mutatis mutandis : with the necessary changes in points of detail यथावश्यक परिवर्तन सहित

nemo : no one, nobody कोई नहीं

nemo dat quod non habet : no man can transfer better title than he himself has कोई भी व्यक्ति अपने हक से ऊंचा हक नहीं अंतरित कर सकता (जिसके पास जो हक है वही तो दे सकेगा उससे ऊंचा हक कैसे देगा)

nemo debet bis puniri pro uno delicto : no one should be punished twice for one fault एक अपराध के लिए दो बार दंड नहीं दिया जा सकता

nemo debet bis vexari, si constet curiae quod sit pro una et eadem causa : no one ought to be a vexed twice if it is appears to the court that it is for one and the same cause किसी भी व्यक्ति को एक ही हेतुक के लिए दो बार तंग नहीं किया जाना चाहिए

nemo in propria causa judex, esse debet : no one ought to be a judge in his own cause कोई भी व्यक्ति अपने मामले का स्वयं निर्णायक नहीं हो सकता

nemo plus juris ad alium transferre potest quam ipse habet : no one can transfer to another a greater right than he has himself कोई भी व्यक्ति अपने अधिकार से बेहतर अधिकार का अंतरण नहीं कर सकता

nexus : bond, link or connection संबंध

nihil dat qui non habet : he gives nothing who has nothing कुछ है ही नहीं तो देगा क्या

nihil quod est in conveniens est bicitum : nothing which is inconvenient is lawful जो असुविधाजनक है वह विधिपूर्ण नहीं है

nolle prosequi : to be unwilling to prosecute. Withdrawal by the Public Prosecutor of a criminal proceeding against an accused अभियोजन आगे चलाने की अनिच्छा

nomen generalissimum : extremely common name प्रचलित नाम

non bis in idem : not twice for the same [3rd sch., art. 86, Geneva Conventions Act] दो बार दंडित न किया जाना

non compos mentis : not of sound mind विकृतचि त

non obstante clause : “notwithstanding clause” सर्वोपरि खंड

non est factum : it is a defence in an action founded on a document when there has been a mistake as to the very nature of the transaction नास्ति तथ्य का अभि वाक्

noscitur a sociis : one is known by his companions; the meaning of a word or expression is to be gathered from the surrounding words, that is, from the context साहचर्येण ज्ञायते

nova constitutio futuris formam imponere debet, non praeteritis : a new law ought to be prospective, not retrospective in its operation 1. नवीन विधि का प्रभाव भविष्यलक्षी होना चाहिए न कि भूतलक्षी ; 2. नई विधि भविष्य के लिए है अतीत के लिए नहीं

novos actus interveniens : a new act intervening मध्यवर्ती नवीन कार्य

nudum pactum : without consideration बिना प्रतिफल के

obiter dicta : an opinion of law not necessary to the decision इतरोक्ति

obligations ex contractu : संविदाजात बाध्यताएं

obligations ex delicto : दुष्कृत्य से उत्पन्न बाध्यताएं

omne quod solo inaedificatur solo cedit : everything which is built upon the soil passes with the soil भूमि पर किया गया निर्माण भूमि के साथ अंतरित हो जाता है

omnia praesumuntur legitime facta donec probetur in contrarium : all things are presumed legitimately done, until the contrary be proved यह उपधारणा है कि किया गया कार्य वैध है जब तक कि तत्प्रतिकूल साबित न किया जाए

omnia praesumuntur rite legitime solemniter esse acta, donec probetur in contrarium : all things are presumed to have been done correctly, lawfully and with due formality until the contrary is proved जब तक कि तत्प्रतिकूल साबित न हो जाए सभी कार्यों के बारे में यह उपधारणा की जाएगी कि उन्हें सही और वैध रूप से तथा सम्यक् औपचारिकता के साथ किया गया

omnis nova constitutio futuris temporibus formam imponere debet, non praeteritis : every new law should give a form to future times, not to past नई विधि भविष्य के लिए है अतीत के लिए नहीं

onus probandi : the burden of proving; the burden of proof साबित करने का भार

onus probandi : the burden of proving; the burden of proof साबित करने का भार

pacta quae turpem causam continent non sunt observanda : agreements founded upon a base consideration are not to be observed प्रतिफल अनैतिक तो करार अपालनीय

pacta sunt servanda : contracts are to be kept संविदा सर्वथा पालनीय; संधि अवश्यम पालनीया

pari passu : at an equal rate or pace समगति से ; (उनकी) मात्रा के अनुसार

participiant cirminis : sharer of crime अपराध का भागीदार

pendente lite : during litigation वादकालीन

per annum : by the year प्रतिवर्ष

per capita : (counting) by heads व्यक्तित्व

per diem : by the day प्रतिदिन

per incuriam : through carelessness, through inadvertence

अनवधानता के कारण

per mensem : by the month मासिक ; प्रतिमास

per stirpes : by stocks in inheritance the children of each descendant dividing only the share that would have been their parents शाखावार

per centum ad valorem : percentage according to the value [s. 2(1), Mica Mines Labour Welfare Fund Act] मूल्यानुसार प्रतिशत

persona designata : a person pointed out or described as an individual, as opposed to a person ascertained as a member of a class, or as filling a particular character नामोदिष्ट व्यक्ति

persona grata : an acceptable person (in diplomatic parlance) ग्राह्य व्यक्ति

persona non grata : an unacceptable person (in diplomatic parlance) अग्राह्य व्यक्ति

plenum dominium : full ownership, the right of property in a thing coupled with the right to its use and enjoyment पूर्ण स्वामित्व

post mortem : 1. after death मरणोत्तर ; मृत्यु के बाद ; 2. an examination of a corpse made under the direction of the constituted authorities, an autopsy मरणोत्तर परीक्षा

prima facie : on the face of it; at first sight; arising at first sight; based on the first impression प्रथमदृष्ट्या

pro bono publico : for the public good जनहित में ; लोकहित में

pro rata : in proportion अनुपाततः

pro tanto : to that extent उस सीमा तक

pro tempore : for the time being, temporarily, provisionally उस अवसर के लिए

proprio vigore : by its own force स्वबल से

quantum merit : as much as merited the reasonable amount to be paid for services rendered or work done जितना काम उतना दाम

quia timet injunction : where an injunction is granted to prevent a threatened as distinguished from an existing wrongful act it is called quia timet injunction आशंका ; व्यादेश

quid pro quo : what for what; the person owing the duty had received from the person to whom duty was due something which he was bound to return and pay for तत्प्रति

raison d'etre : reason or justification for existence मुख्य प्रयोजन ; अस्तित्व कारण

ratio decidendi : reasons for deciding; grounds of decision विनिश्चय-आधार

ratio legis : the reasons for occasion of the law विधि के आधार

reductio ad absurdum : the method of disproving an argument by showing that it leads to an absurd consequence निरर्थक परिणामी

res communes : things common to all सामुदायिक वस्तु

res gestae : acts; declarations and incidents accompanying or explaining the fact in issue or which are deemed to constitute the fact in issue; facts so connected with a fact in issue as to form part of the same transaction संबंधित तथ्य और कार्य

res integra : an untouched matter; a point without a precedent; a case of novel impression अनिर्णीत विषय

res ipsa loquitur : the thing speaks for itself; this maxim means that in certain cases one fact raises prima facie presumption of another fact unless and until the contrary is proved . This

phrase is used in actions for injury occasioned by negligence where no proof is required of negligence beyond the accident itself स्वयं प्रमाण

res judicata : a case or suit already decided पूर्व-न्याय

res judicata pro veritate accipitur : a matter which has been adjudicated is accepted or received as true पूर्व-न्याय को ठीक माना जाता है

res judicata pro veritate habetur : an adjudicated matter shall be deemed correct पूर्व-न्याय को सही समझा जाएगा

res nullius : a thing which has no owner स्वामीहीन संपत्ति

res-publicae : things of the state dedicated to the use of citizens राज्य की संपत्ति जो सार्वजनिक उपयोग के लिए है

rule nisi : a rule or order upon condition that is to become absolute when cause is shown to the contrary प्रारंभिक आदेश

sans recourse : without recourse दायित्व रहित ; सहायता के बिना ; का आश्रय लिए बिना

secundum allegataet probata : according to the pleadings and the proofs अभिवाक् और सबूत के अनुसार

sine qua non : an indispensable requisite अनिवार्य

solatium : a sum paid to an injured party over and above actual damages by way of solace to his wounded feelings सांत्वना के तौर पर क्षतिपूर्ति ; तोषण

spes successionis : the chance of an heir apparent succeeding to an estate संभाव्य उत्तराधिकार

stare decisis : to stand by things decided; to abide by precedents where the same points come again in litigation निर्णैतानुसरण

status quo : existing condition यथापूर्व स्थिति

sub judice : in course of trial न्यायाधीन

sub silentio : silently मौन रहते हुए

sui juris (of his own right) : a phrase used to denote a person who is under no disability affecting his legal power to make conveyances of his property, to bind himself by contracts and to sue and be sued as opposed to persons wholly or partially under disability, as minors, mentally disordered persons, etc. [s. 3(1)(a), Estate Duty Act] विधि-सक्षम

suo motu : 1. [s. 11(3), Delhi Urban Art Commission Act] स्वप्रेरणा; 2. [s. 10, Transfer of Evacuee Deposits Act] स्वप्रेरणा से

suppressio veri; suggestio falsi : suppressing the truth; suggesting the false सत्य का गोपन ; असत्य का सुझाव

transfer inter vivos : transfer between living persons [s. 2(d), Government Savings Certificates Act] जीवित व्यक्तियों के बीच अंतरण

terminus a quo : 1. place of beginning; 2. point of beginning आरंभ बिंदु

trustee do son tort : one who, of his own authority, enters into the possession or attends to the management of the property which belongs beneficially to another अपने अपकृत्य से न्यासी

uberrimae fide (uberrima fides) : of the fullest confidence; of the utmost good faith. A contract is said to be uberrima fide when the promisee is bound to communicate to the promisor every fact and circumstance which may influence him in deciding whether to enter into contract or not. Contracts which require uberrima fides are those entered into between persons in a particular relationship e.g. guardian and ward, advocate and client, insurer and insured परम विश्वास

ubi jus ibi remedium : where there is a right, there is a remedy

जहां अधिकार है, वहां उपचार भी है

ultra vires : beyond one's powers अधिकारातीत

ut res magis valeat quam pereat : that it may rather become operative than null. To uphold the constitutionality of statutes whenever it can rationally be done अमान्य से मान्य करना अच्छा है

vigilantibus, et non dorminentibus, jura sub veniunt : the laws give help to those who are watchful and not to those who go to sleep विधि जागरूक की सहायता करती है न कि सुषुप्त की

vires : authority; power शक्तिमत्ता

viva voce : expressed or conducted by word of mouth; oral मौखिक