

RMM LAW COLLEGE SAHARSA

LAW OF TORTS

IIIrd Part

Paper -V

TOPIC- REVISION

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Injuria Sine Damno

Injuria sine damno is a violation of a legal right without causing any harm, loss or damage to the plaintiff and whenever any legal right is infringed, the person in whom the right is vested is entitled to bring an action. Every person has an absolute right to his property, to the immunity of his person, and to his liberty & infringement of this right is actionable per se. A person against whom the legal right has been infringed has a cause of action such that even a violation of any legal right knowingly brings the cause of action. The law even gives the liberty that if a person merely has a threat of infringement of a legal right even without the injury being completed, the person whose right has been threatened can bring a suit under the provisions of [Specific Relief Act](#) under Declaration and injunction.

For Example:- If a person is wrongfully detained against his will, he will have a claim for substantial damages for wrongful imprisonment even if no consequential loss was suffered upon the detention.

As was cited in the case of Ashby Vs. White (1703) wherein the plaintiff was a qualified voter at the parliamentary elections which were held at that point of time. The defendant, a returning officer wrongfully refused to take the plaintiff's vote. The plaintiff suffered no damage since the candidate which he

wished to vote already won the elections but still, the defendants were held liable. It was concluded that damage is not merely pecuniary but injury imports a damage, so when a man is hindered of his rights he is entitled to remedies.

Injuria sine Damno is even applicable in the cases of trespass as was observed in the case of [Sain Das Vs. Ujagar Singh \(1940\)](#) that nominal damages are usually awarded and the principle of injuria sine damno is applicable to an immovable property when there has been an unjustifiable intrusion on the property in possession of another. It was also concluded that the rule cannot be extended to every case of attachment of property irrespective of the circumstances.

So in total, the maxim Injuria Sine Damno refers to the remedies which are provided in the form of damages or compensation in violation of any legal right such that if the legal right is violated then action lies even if there is no harm to another. In other words, it is an infringement of a right where no loss is suffered but it creates a cause of action.

Difference between Damnum Sine Injuria & Injuria Sine Damnum

S.No	Damnum Sine Injuria	Injuria sine Damnum
1.	Damnum sine Injuria refers to the damages suffered by the plaintiff but no damage is being caused to the legal rights as there is no violation of it	Injuria Sine damnum is the legal injury caused to the plaintiff without any damage to the physical injury.

2.	It is the losses suffered without the infringement of any legal right hence creating no cause of action.	It is an infringement of a legal right where even if no loss has been suffered by the plaintiff still creates an actionable cause of action.
3.	No compensation in the form of damages is awarded by the court.	Compensation in the form of damages is awarded by the court.
4.	This maxim is for the moral wrongs which have no action in the eyes of the law.	This maxim is for the legal wrongs which are actionable if the person's legal right has been violated.
5.	The principle of this maxim is that a person exercises in such a manner within reasonable limits which does not ground action in tort merely because it causes damages to other people	The principle of this maxim is that whenever there is an invasion of a legal right there creates a cause of action and the person whose right is vested is entitled to bring an action.
6.	In this, the plaintiff suffers a loss but has suffered no legal injury.	In this, the plaintiff suffers legal injury doesn't matter they have suffered any loss on that account.
7.	Damages without injury are not actionable	This is actionable since there is a violation of a legal right.