

Doctrine of Laches

LACHES, DOCTRINE OF – Based on the maxim that equity aids the vigilant and not those who procrastinate; Neglect to assert a right or claim that, together with a lapse of time and other circumstances, prejudices an adverse party. Neglecting to do what should or could, have been done to assert a claim or right for an unreasonable and unjustified time causing disadvantage to another.

Laches is similar to 'statute of limitations' except it is equitable rather than statutory and is a common affirmative defense raised in civil actions.

Laches is derived from the French 'lecher' and is nearly synonymous with negligence.

In general, when a party has been guilty of laches in enforcing his right by great delay and lapse of time, this circumstance will at common law prejudice and sometimes operate in bar of a remedy which is discretionary for the court to afford. In courts of equity delay will also generally be prejudicial.

Laches may be excused from ignorance of the party's rights; from obscurity of the transaction; by the pendency of a suit, and; where the party labors under a legal disability, as insanity, infancy and the like.

Laches is an equitable defense, or doctrine. The person invoking laches is asserting that an opposing party has "slept on its rights", and that, as a result of this delay, that other party is no longer entitled to its original claim. Put another way, failure to assert one's rights in a timely manner can result in claims being barred by laches. Laches is a form of estoppel for delay. In Latin, *Vigilantibus non dormientibus æquitas subvenit*. Equity aids the vigilant, not the negligent (that is, those who sleep on their rights).