Subject Name: SRA
Topic Name: Temporary Injunction

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Understanding Injunctions

An injunction is a specific legal order issued by a court that either prohibits the commission of a threatened wrong or the continuation of a wrongful action that has already begun. In some cases, it can also command active restitution to restore the former state of affairs.

It's a judicial process whereby one party, who has invaded or is threatening to invade the legal or equitable rights of another, is restrained from continuing or commencing such wrongful conduct.

Characteristics of an injunction include:

1. Judicial Process: It is a legal remedy granted by a court.
2. Restraint or Prevention: It aims to restrain or prevent the commission of wrongful acts.
3. Unlawful Act: It applies when the act prevented or restrained is unlawful.

An injunction may be issued for or against individuals, public bodies, or even the state. Disobedience of an injunction is punishable as contempt of court.

Injunctions are not granted in cases where:

1. Damages are the appropriate relief.
2. Injunction is not the suitable remedy.
3. The plaintiff's conduct disqualifies them from obtaining an injunction.
4. The contract cannot be specifically enforced.
5. Injunction would operate inequitably.

Preventive relief, which includes injunctions, is granted by the court to prevent a person from doing an act for which they are not legally liable. It's typically used to prevent a breach of contract or the violation of rights arising outside of contracts.

There are two main types of injunctions:

1. Temporary Injunction: These are temporary orders that continue until a specified time or until further order of the court. They may be granted at any stage of a suit and are regulated by the Code of Civil Procedure.

2. Perpetual Injunction: These can only be granted by the decree made at the hearing and upon the merits of the suit. The defendant is perpetually enjoined from asserting a right or committing an act contrary to the plaintiff's rights.

Temporary injunctions are provisional and aim to maintain the status quo until the final disposition of the case. Perpetual injunctions, on the other hand, are granted as part of the final decree in a suit and permanently prohibit the defendant from certain actions or assertions.

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Principles Governing the Issue of Temporary Injunction

1. Bona Fide Contention and Balance of Inconvenience: The court examines whether there is a genuine dispute between the parties and weighs the balance of inconvenience. It considers which party would suffer more harm if the injunction is granted or denied.

2. Prima Facie Case: The applicant must demonstrate a strong prima facie case for the issuance of an interim injunction. This means showing sufficient evidence to support the claim before a full trial.

3. Likelihood of Irreparable Injury: The court assesses whether the plaintiff is likely to suffer irreparable harm if the injunction is not granted. Irreparable injury refers to harm that cannot be adequately compensated by monetary damages.

4. Doubtful Right and Hardship on the Defendant: In cases where there is doubt regarding the right asserted by the plaintiff and where the injunction might cause hardship to the defendant, the court may refuse the interim injunction. Instead, the defendant may be required to keep an account.

5. Not Suitable for Perpetual Injunction: If the case is not suitable for a perpetual injunction based on the affidavits filed by the parties, the court may decline to grant an interim injunction.

6. Adequacy of Pecuniary Compensation: The court considers whether pecuniary compensation would provide adequate relief. If monetary damages are sufficient, an injunction may not be granted.

7. Equity and Real Justice: The injunction will not be granted if it would operate oppressively, inequitably, or contrary to the real justice of the case.

