

# Injunction

An injunction is a potent legal remedy issued by a court that commands a party to perform or cease performing specific actions. It is particularly useful in scenarios where conventional requests or negotiations fail to resolve disputes. For instance, if noisy neighbours disrupt your peace or a new stadium floods your home with unwanted light, an injunction can mandate cessation of these activities.

## Legal Framework for Injunctions

Injunctions are governed by the Civil Procedure Code, specifically under Sections 151 and 94, and detailed within the Specific Relief Act, 1963. This act outlines the types of injunctions available—temporary, permanent, preliminary, preventive, and mandatory—each tailored to different legal needs and situations.

injunctions are issued as a final judgement, providing lasting relief based on the permanency of the conditions.

## 2. Preliminary Injunction

Also known as an ad-interim injunction, this is granted before a trial to prevent any change that might affect the plaintiff's rights, preserving the subject matter in its current state.

## 3. Preventive Injunctions

These are designed to prevent a future injury or to maintain the status quo by stopping a party from committing an act that would cause harm.

## 4. Mandatory Injunction (Section 39)

This type of injunction compels a defendant to take specific action, such as restoring a property to its original condition, thereby

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enforcing a right or correcting a wrong.

## Types of Injunctions

### 1. Temporary and Permanent Injunctions (Sections 36 & 37)

Temporary injunctions are short-term orders issued to maintain the status quo until a more permanent resolution is decided. Permanent

## Essentials of a Valid Injunction Application

For an injunction to be granted, the applicant must demonstrate:

### 1. A Strong Prima-Facie Case

The term "prima-facie" refers to the evidence that, unless rebutted, would be sufficient to prove a particular proposition or fact. In the context of an injunction, the applicant must demonstrate that there is a strong likelihood that they will succeed in the main action.

This doesn't mean the entire case must be presented at this preliminary stage, but enough compelling evidence must be shown to establish that the applicant's claims are not frivolous and have a substantial probability of success at trial.

This criterion helps prevent the court system from being used to issue injunctions on weak claims that lack substantial legal merit.

than merely shifting the inconvenience from one party to another.

### 3. Irreparable Damage

Irreparable damage refers to harm that cannot be adequately compensated by monetary damages or where the damages cannot be measured by a standard monetary metric.



## 2. Balance of Convenience

The balance of convenience test is applied to assess whether the benefits of granting the injunction outweigh the inconvenience or harm that the defendant or the public might suffer if the injunction is granted.

This involves a delicate balancing act where the court considers factors such as the extent of the damage that each party may suffer and the effectiveness of the remedy.

If the harm to the applicant from not granting the injunction is greater than the inconvenience to the defendant from granting it, the scale tips in favour of the applicant. This criterion ensures that the injunction will serve a just and equitable function rather